

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

C.P. No. 128 of 1994 In
O.A. No. 245 of 1993

New Delhi this the 9th day of August, 1994

Mr. Justice S.K. Dhaon, Acting Chairman
Mr. B.N. Dhoundiyal, Member

1. Shri Radhey Shyam Verma
2. Shri R.S. Nagar
3. Shri Jeet Ram
4. Shri Amar Singh
5. Shri Ram Kishan
6. Shri Jage Ram
7. Shri Ramesh Chandra
8. Shri E. Shah
9. Shri D.K. Sabharwal
10. Shri B.K. Ghosh
11. Shri Rattan Lal
12. Shri Ram Sanehi
13. Shri Man Mohan Sharma
14. Shri Ram Avtar
15. Shri R.C. Chadha
16. Shri Harsh Mani
17. Shri Maheshwar Prasad
18. Shri S.C. Jha
19. Shri S.C. Jain
20. Shri S.I. Sharma
21. Shri K.L. Arora

22. Shri S.N. Mathur
Working at Northern Railway,
Booking Office,
Railway Station,
Delhi Junction

...Applicants

1. Shri Masih-uz-Zaman,
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Mr. R.N. Agha,
DRM/Northern Railway,
State Entry Road,
New Delhi.

...Respondents

By Advocate Shri H.K. Gangwani

Mr. Justice S.K. Dhaon, Acting Chairman

This is an application made by the intervenors in O.A. No. 245 of 1993 with the complaint that the direction given by this Tribunal has not been fully complied with by the respondents.

2. The direction, in substance, was that the respondents shall invite objections from the parties concerned and give them at least one month's time to file such objections and after the receipt of the objections, they shall consider the same and dispose them of by a speaking order within a period of 3 months.

3. In paragraph 3 of the counter-affidavit filed on behalf of the respondents, it is averred that the objections were called for from the Parcel Clerks category. The averment clarifies that the objections were invited from the petitioners in the O.A. The question, therefore, boils down to this: What was the intention of this Tribunal when it directed that the respondents shall give an opportunity to the parties concerned? The Tribunal had before it the situation that there was a proposal to merge the cadres of the Parcel Clerks and the Booking Clerks. In that context, the Tribunal observed that the respondents shall give an opportunity to the parties concerned. The Tribunal was aware that the intervenors before it were not the Parcel Clerks. It may be that the respondents while interpreting the order of the Tribunal may have committed a bona fide error. We are, therefore, not entitled to haul them on that ground or to punish them for not complying with the direction of this Tribunal.

4. We are afraid that the respondents will have to do a fresh exercise and invite objections and consider them and thereafter pass a fresh order.

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5. There is some controversy as to how the respondents should give notices to the parties concerned. As a result of the discussion, it has emerged that the best method will be to give notices to all concerned through the Divisional Railway Managers of the respective Divisions, who shall see to it that the circular issued by the relevant authority of the respondents is put up on the Notice Board of the Division. After the notices are issued in the manner indicated above, the objection/objections received shall be considered by the relevant authority and decided within the time specified in the judgment.

6. With these observations, this petition is disposed of. Notices issued to the respondents are discharged.

7. No costs.

B.N. Dhoondiyal
(B.N. DHOUNDIYAL)
MEMBER (A) ACTING CHAIRMAN

S.K. Dhaon
(S.K. DHAON)
ACTING CHAIRMAN

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