

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 1379/2000

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New Delhi, this the 16th day of the May, 2001

HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

Birender Singh s/o Shri Bishamber Dayal,
r/o village & Post office, Gokalgarh,
Distt. Rewari (Haryana).

(By Advocate: Shri Yogesh Sharma) ... Applicant

V E R S U S

1. Union of India through : The General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Bikaner DN, Bikaner.
3. The Boria Kamalpur Co-operative Coal Goods L & C Society Ltd., Loco Mandir, Rewari (Har.)

(By Advocate: Shri R.L. Dhawan) ... Respondents

O R D E R (ORAL)

By S.A.T. Rizvi, Member (A):

Heard the learned counsel on either side at length.

2. The applicant in the present OA is aggrieved by the non-inclusion of his name in the seniority list of 285 Parcel Porters prepared by the Respondent No.2, out of which 60 persons have already been appointed as Parcel Porters in the Railways. The applicant's representation in the matter filed on 9.3.2000 has not been replied to by the respondents.

3. The learned counsel has brought to my notice the order passed by the Hon'ble Supreme Court on 8.9.2000 in A.I. Rly. Parcel and Goods Porters Union Vs. Union of India & Ors., in CWP No.433/1998 which provides as under:-

"Pending disposal of these petitions, there shall be no regularisation of parcel porters working at different railway stations notwithstanding any order of any Court, Tribunal or other authority."

3. If one has regard to the aforesaid order of stay passed by the Supreme Court, the applicant cannot be considered for regularisation or in other words for appointment as Parcel Porter in the Railways until the matter has been decided by the Supreme Court. However, meanwhile his case for being brought on the seniority list can be considered and the same must be considered by the respondents in the light of representation made by him on 9.3.2000.

4. In the circumstances, I am inclined to take the view that the ends of justice will be met in this case by disposing of the OA by directing the respondents to consider the aforesaid representation and to pass a reasoned and a speaking order thereon insofar as bringing of the applicant's name on the seniority list in question is concerned in three months from the date of service of a copy of this order. The respondents are directed accordingly.

5. It is clarified that in the event of the orders passed by the respondents being adverse to the applicant, he will have the liberty if so advised to agitate the order before an appropriate forum. No costs.



(S.A.T. Rizvi)
MEMBER (A)

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