

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O. A. NO. 840/89

New Delhi this the 22nd day of March, 1994

COMMITTEE :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

1. Smt Usha Kaushal W/O V.K. Kaushal,
R/O 40, Abbottganj, Civil Lines,
Jhansi.
2. Km. Neelam Kushwaha D/O R.P.S.
Kushwaha, R/O RE-II 720-B,
Rank Laxmi Nagar, Jhansi.
3. Shri Sanjay S/O D.N. Lal,
R/O RB-II 962-B, TRS Colony,
Nagra, Jhansi.
4. Arun Mukar S/O Bhagwati Prasad,
R/O Railway TRS Colony,
959. A/RB-II, Nagra, Jhansi.
5. Om Prakash Trivedi S/O B. P. Trivedi,
R/O 1514, Civil Lines, Jhansi.
6. Dwarka Prasad Gupta S/O Ram Kishore Gupta,
R/O 480/5, Chamanganj,
Sipri Bazar, Jhansi.
7. Bhatat Bhushan Yadav S/O Mool Chand Yadav,
R/O 343, Sadar Bazar, Jhansi.
8. Chandra Sekhar Gupta/ S/O T.N. Gupta,
R/O Mudian-ka-Kua,
Datia. Applicants

All the Applicants working as Senior
Clerks in the Office of Electrical
Foreman, Gwalior under Divisional
Railway Manager Electrical (General),
Central Railway, Jhansi.

By Advocate Shri S. K. Bisaria

Versus

1. Union of India through
General Manager, Central
Railway, Bombay V.T.
2. The Divisional Railway Manager,
Central Railway,
Jhansi.

3. Dayal D'Souza,
Head Clerk, CTFO Faridabad
under DRM, Electrical (TRD),
Central Railway Jhansi.
4. Hari Prakash, Head Clerk
under DRM, Electrical (TRD)
Central Railway Jhansi.
5. L. Dawson, Head Clerk under
DRM, Electrical (General),
Central Railway, Jhansi.
6. Madan Singh Bansal
7. Ahsan Khan
8. Smt. Santosh Kumari Chawla

... Respondents

By Advocates Shri H. K. Gangwani for respondents
1 and 2 and Shri K.N.R. Pillai for Resp. 3-8.

O R D E R (C.R.L)

Hon'ble Mr. Justice V. S. Malimath -

After hearing the learned counsel appearing on both sides, we are left with the impression that no adjudication has been made in a just and proper manner in regard to the relative seniority of the petitioners on the one hand and respondents No. 3 to 8 on the other in the cadre of Senior Clerks. Whereas the petitioners claim seniority over respondents 3 to 8 on the ground that they were regularly recruited on dates earlier than regular promotions of respondents 3 to 8 to that cadre, respondents 3 to 8 contend that they were appointed on ad hoc basis on dates earlier than the dates of appointment of the petitioners, and that they are entitled to count their seniority at any rate from the dates of their ad hoc appointment on the ground that the vacancies existed long prior to their ad hoc appointment and they should not suffer on account of the authorities not having taken prompt action to fill up those posts in accordance with the relevant orders to process the promotion. They, therefore, maintain that their right

should not be jeopardised merely because of delay or inaction on the part of the authorities in not giving regular promotions to them in accordance with law.

Having regard to this controversy, we consider it just and proper to dispose of this application by directing respondents Nos. 1 and 2 to determine relative seniority of the petitioners and respondents 3 to 8 in the cadre of Senior Clerks after giving an opportunity of making representation to both sets of parties and to others who are likely to be affected, as expeditiously as possible.

2. With these directions, this application is disposed of. No costs.

Adige
(S. R. Adige)
Member (A)

Malimath
(V. S. Malimath)
Chairman

/as/