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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

OA No.1000/88

Date of decision: 23.9.1993

Shri Bachu Ram J. Vs. Union of India/G.M., N. Rly.

CORAM:

Hon'ble Shri C.J. Roy, Member (J)

Hon'ble Shri S.R. Adige, Member (A)

For the applicant .. Shri I.K. Sharma, Counsel

For the respondents .. Shri Shyam Moorjani, Counsel

JUDGEMENT(ORAL)

(Delivered by Hon'ble Member(J) Shri C.J.Roy)

We have waited for sometime for the applicant or his counsel to turn up. But nobody turned up. However Shri Shyam Moorjani, learned counsel for the respondents is present and we heard him and perused the available records.

2. There are seventeen persons in this case, who are the members of All India Industrial & Commercial Workers Union, transferred to the Western Railway and working there for the last several years. It is alleged in the application that these applicants were promised by the management of Northern Railway that their continuity of service in the Railways will be maintained and their seniority will be counted from the date of their appointment in the Western Railway. They were also promised at the time of recruitment in the Northern Railway that they would be allowed to hold the post of Hotel and Restaurant workers. But contrary to the promise, they allege that the respondents have issued an advertisement in the Hindi daily Nav Bharat Times on 27.1.87 and these applicants were not allowed to apply to those posts.

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3. There is also a representation dated 17.3.87 at Annexure B from the All India Industrial & Commercial Workers Union addressed to the General Manager, Northern Railway asking him to concede to the demands of the applicants.

4. The applicants claim that they are in employment since 1972 but their juniors have been given promotion superseding their seniority and that they are being paid the salary of Assistant Cooks when they are actually working as Cooks. Thus they claim that the advertisement dated 27.1.87 be set aside and quashed and that they may be considered for the posts where they are actually working and functioning at present with the respondents in the base kitchen situated at New Delhi Railway Station to supply the prepared food articles for the passengers of Rajdhani Express on the Ajmeri Gate side and they may be ordered to be paid the salary for the jobs on which they are actually working.

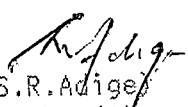
5. We have seen the advertisement and also the counter. It is stated in the counter against the preliminary objections that the applicants have directly approached this Tribunal without exhausting the remedy available to them and the case is barred under the CAT Act and therefore the application may be dismissed. However, they have admitted the contents of para 6.1 only to the extent that the Western Railway Rajdhani Base Kitchen which was transferred to Northern Railway

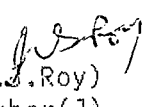
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was taken over by them on 18.9.1985 and consequent on formation of Rail Yatri Niwas, some posts were advertised through Nav Bharat Times dated 27.1.87 showing prescribed qualifications. They have further stated that the applications were never given any assurance or promise that they would be allowed to apply for Rail Yatri Niwas.

6. The respondents have stated in para 6.5 of their reply that some of the persons including Shri Bachu Ram J, the applicant were given their due promotion and the rest of the cases will be considered depending upon their seniority and length of service in the grade. They further state that they will be considered for further promotion according to turn and seniority in future.

7. The applicants have not placed any material before us as to show how the advertisement is in violation of their rights and under what circumstances the advertisement should be quashed. On the other hand, the respondents are giving assurance that their length of service will be considered for seniority and promotion will be given in accordance with their turn. Under the circumstances, we do not feel it is a fit case for our interference. Hence the case is dismissed with no order as to costs.


(S.R. Adige)
Member (A)
23.9.93


(C.S. Roy)
Member (J)
23.9.93