

Central Administrative Tribunal
Principal Bench

(1)

O.A. 1621/92

New Delhi this the 11th day of July, 1997

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

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

1. Joginder Kumar,
S/o Shri Jagdish Chander.
2. Pati Ram,
S/o Shri Mukand Ram.
3. Kishan Singh,
S/o Shri Chanar Singh.
4. Laxman,
S/o Shri Hari Singh.

(All working as Senior Clerk,
Diesel Shed, Northern Railway,
Tughlakabad.) ... Applicants.

By Advocate Shri S.K. Sawhney.

Versus

1. Union of India through
General Manager,
Northern Railway,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway,
Chelmsford Road,
New Delhi. ... Respondents.

None for the respondents.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicants in this case, who are working as Senior Clerks with the respondents, are aggrieved that the respondents are not extending to them the benefit of the judgement of the Supreme Court in Rajbir Singh & Ors. Vs. Union of India & Ors. (SLP (Civil) No. 7055/89), decided on 12.11.1990 (copy

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placed at Annexure A-6). In this case, the Supreme Court considering all aspects of the matter and setting aside the order of the Tribunal had directed the authorities to consider the case of the appellants and to determine their seniority after taking into account the period of ad hoc service since the initial date of their promotion to Class III service till the date of regularisation in 1986. Shri S.K. Sawhney, learned counsel for the applicants, has submitted that by the order dated 26.9.1986 passed by the respondents a number of candidates, including the applicants had been placed on the provisional panel for selection for the post of Diesel Store Issuer, Fuel Issuer, Tool Checker, Tool Issuer, Power Recorder, Grade Rs.260-400. He submits that the applicants in Rajbir Singh's case (supra) are at Srl. Nos 5,11, 12, 13, 17 and 19 and the applicants in the present application at Srl. Nos. 22,23,25 and 28. He also relies on the judgement of this Tribunal in Dharam Singh & Ors. Vs. Union of India & Ors. (OA 401/92), decided on 31.1.1997 to whom similar reliefs had been granted.

2. None appeared for the respondents. As this is an old case of 1992, we have, therefore, perused the records, including the reply of the respondents.

3. In the light of the judgement of the Hon'ble Supreme Court in Rajbir Singh's case (supra), since the applicants have been placed on the provisional panel along with those applicants by the same order, for the reasons given in OA 401/92 in which one of us (Hon'ble Smt. Lakshmi Swaminathan) was also a Member,

J.S.

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this application succeeds to the extent mentioned therein. The respondents are directed to consider the claims of the applicants regarding fixation of their seniority in the light of the judgement of the Supreme Court in Rajbir Singh's case (supra) within a period of three months from the date of receipt of a copy of this order.

O.A. is allowed, as above. No costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)

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

'SRD'