

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 2565/1993
MA 3575/93

New Delhi this the 13th day of July, 1999

Hon'ble Shri V.Ramakrishnan, Vice Chairman (A)
Hon'ble Smt.Lakshmi Swaminathan, Member (J)

(16)

In the matter of

1. C.J.Frank S/O Sh.J.J.Frank,
Parkar Road, Opposite Parkar School,
Muradabad.
2. Shiv Pal Singh S/O Sh.Jai Singh
Fakir Pura, Near Fakirpura Police Station,
Civil Lines, Muradabad.
3. Ram.Kumar S/O Sh.Tota Ram,
Quarter No.H/98 C,Harthala Colony,
Muradabad.
4. Smt.Aruna Sharma W/O Sh.Ashok Kumar
Sharma (T.O) L.4-B,H.O.DRM Office,
Muradabad.
5. Smt.Mirdula Mathur
W/O Sh.Dinesh Bihari Mathur(T.O)
Quarter No.T.9-B,Railway Colony,
Hapur,District Ghaziabad.
6. Virender Kumar Sharma S/O Sh.
Bandey Lal Sharma, Quarter No.T 89 F,
North Colony,Railway Laksar Junction,
District Haridwar.
7. Narendra Kumar S/O Sh. Beni Singh,
Telephone Operator,
C/O Divisional Railway Manager,
Northern Railway, Muradabad.
8. Vinod Kumar S/O Sh.Jona Robin,
Quarter No.T 58 C,Railway Colony,
Northern Railway, Haridwar.
9. Tota Ram S/O Sh.Bhalway Ram,
Telephone Operator
C/O DRM Office, Muradabad.
10. Virendra Singh S/O Sh.Amrit Singh,
Quarter No.E/33-D,Line Par Railway
Colony, Muradabad.
11. Sushil Chandra S/O Sh.S.N.Maurya
Railway Telephone Exchange,
Haridwar.

(All applicants are working as Telephone
Operators in Northern Railway, Muradabad Divn.)

..Applicants

(None for the applicants)

Versus

1. Union of India
through its Secretary,
Ministry of Railways,N/Dehli.

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2. General Manager, Northern Railway,
Baroda House, New Delhi.
3. Divisional Railway Manager,
Northern Railway,
Muradabad Division, Muradabad.
4. Railway Board through its Chairman,
Rail Bhawan, New Delhi.
5. Satish Chand Sharma,
Telephone Operator,
Chandosi, Distt. Muradabad.
6. Sushil Kumar Srivastava,
Telephone Operator,
Telephone Exchange, N.R.,
Haridwar.
7. Bhim Singh Chauhan,
Telephone Operator,
Telephone Exchange,
Northern Railway, Hapur.
8. Dinesh Chand Sharma,
Telephone Operator,
Telephone Exchange,
Northern Railway, Haridwar.
9. Shiv Dev Singh
Telephone Operator
Telephone Exchange,
Northern Railway,
Shahjahanpur.
10. Ram Kishan,
Telephone Operator,
Telephone Exchange,
Northern Railway,
Shahjahanpur.
11. Bal Ram Yadav,
Telephone Operator,
Telephone Exchange,
Northern Railway, Moradabad.
12. Indra Shanker Chakravarthy,
Telephone Operator, Telephone Exchange,
Northern Railway, Bareilly.
13. Yamuna Prasad,
Telephone Operator, Chandausi,
Telephone Exchange, Northern Rly.
District Moradabad.
14. Shishu Pal Singh
Telephone Operator, Telephone Exchange,
Northern Railway, Moradabad.

.. Respondents

(By Advocate Sh.R.P. Aggarwal, counsel for the
official respondents.)

(By Advocate Sh. S.K. Sawhney, counsel for the
private respondents 5-14)

O R D E R (ORAL)

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

Applicants are aggrieved by the publication of the

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seniority list issued by the official respondents on 26.8.92. (8)

2. The brief facts of the case are that the applicants were initially appointed as Khassis in the Northern Railway on various dates between the years 1972 to 1974. According to them, they were promoted as Telephone Operators in the pay scale of Rs.260-400. They have referred to the earlier seniority list of 24.3.1982 in which according to them respondents 5-14 did not figure at that time. They have themselves referred to the judgement of the Hon'ble Supreme Court in Writ Petition No.421/86 (Annexure P-6) which had been filed by the private respondents (Satish Chand and Others Vs. General Manager, Northern Railway and Others) in which the Court had directed that the petitioners should be regularised w.e.f. 5.4.84 in the grade of Telephone Operator scale ^{of Rs.} Rs.260-400. The official respondents have submitted that/pursuance of these directions of the Supreme Court dated 19.11.1986, the private respondents 5-14 were promoted to the post of Telephone Operators and they were also given arrears of pay from the same date i.e. 5.4.1984.

3. Admittedly, the applicants in the OA have been promoted ^{onwards to} to the post of Telephone Operators from 30.4.84 after 5.4.84 i.e. the date when the private respondents have been regularised and promoted in accordance with the directions of the Supreme Court dated 19.11.1986. We are unable to agree with the contentions of the applicants that the regularisation of the private respondents will ^{not} give them seniority, as this would be contrary to the directions of the Apex Court and also the relevant rules and instructions. In the circumstances, we do not find any merit in the claim of the applicants that the seniority list dated 26.8.92 is either illegal or unjustifiable which calls for

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any interference in the matter. Consequently, further directions sought for by the applicants does not survive. (19)

4. For the reasons given above, we find no merit in this application and the same is accordingly dismissed. No order as to costs.

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

V.Ramakrishnan
(V.Ramakrishnan)
Vice Chairman (A)

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