

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE ...2nd DAY OF July 1996

Original Application No. 427 of 1996

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. S. DAS GUPTA, MEMBER(A)

1. Arun Kumar aged about 44 years
Son of Shri R.K. Verma, r/o 461
Muthiganj, Allahabad.
2. Rajendra Lal aged about 54 years
son of Late Shri Jagannath Lal, r/o
471/6 Chak Raghunath, Naini Allahabad

..... Applicants

BY ADVOCATE SHRI R.K. NIGAM

Versus

1. Union of India through General Manager, Northern Railway New Delhi
2. Divisional Railway Manager Northern Railway, Allahabad
3. Nand Lal working as Booking Supervisor Northern Railway, Nagpur Central through station Master, Kanpur.
4. D.K. Dubey working as Parcel Supervisor Allahabad through C.P.S. Allahabad
5. Arun Kumar Singh, working as Parcel Supervisor through C.P.S Allahabad

.... Respondents

O R D E R (Reserved)

JUSTICE B.C. SAKSENA, V.C.

This OA came up for orders as regards admission on 17.4.96. Through this OA the applicants have sought a direction in the nature of certiorari to quash the impugned order dated 3.4.96 Annexure A-1. They have prayed for a further direction in the nature of mandamus commanding the respondents not to disturb ~~the~~ the restructured cadre and

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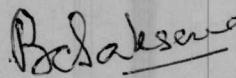
final panel of Chief Parcel Supervisor and also they may be restrained from issuing any orders of reversion or reduction in rank or issue any order in regard to pecuniary disadvantage to the applicants. The impugned order states that on 13.5.94 a provisional panel of Chief coaching supervisors scale 2000-3200 were notified. In view of the order passed by the court the seniority list of Coaching supervisors scale 1600-2660 was to be revised and was revised and the revised seniority list was issued on 23.1.96 and since the names of the applicants have been brought down in the revised seniority list, their names have been struck off from the provisional panel. In view of the statement in the impugned order that the same has been passed because of certain directions given by the court, we had required the learned counsel for the applicant to indicate the said decisions. A supplementary counter affidavit was accordingly filed when the matter came ~~up~~ on 18.4.96. In the supplementary counter the applicants have referred to a decision rendered in OA 1232/88 L.B. Chauhan and another versus Union of India decided by judgment dated 25.11.92. They have also referred to another OA 777/91 filed by Rajesh Kumar and ors Vs. Union of India and Ors. They have also filed copies of the order passed in CCA 1228/93 arising out of the decision in OA 1232 /88. The applicants in the supplementary affidavit have also referred to the fact that the applicants have filed a review petition seeking review of the order passed in OA 1232/88 and stated that the ~~said~~ review no. 1613/94 is still pending. The applicants are guilty of suppression of material facts. In the OA though they were aware of the decisions on the basis of which impugned order can be

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said to have been passed, they had still chosen to show ignorance of the said decisions. A perusal of the impugned order prompted us to call for further facts and they have now come to light. Since the review petition is pending, we decline to entertain this OA. The rights of the parties would depend on the outcome of the review petition.

2. This Tribunal exercises the same jurisdiction as the High court ~~has~~ and has^{to} follow the same norms. Since the applicants are guilty of suppression of material facts we are of the opinion that the applicants have disentitled themselves to exercise the extra ordinary jurisdiction in their ~~faekanxi~~ favour. The OA is dismissed summarily subject to the observation made hereinabove.

MR
MEMBER (A)


B. Chakravarthy
VICE CHAIRMAN

Dated: 27/11/1996

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