

(OPEN COURT)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH ALLAHABAD

HON'BLE MR. A.K. GAUR, MEMBER (J).
HON'BLE MR. D.C. LAKHA, MEMBER (A).

Original Application Number. 299 OF 1998

ALLAHABAD this the 23ND day of October, 2009

1. Shri A.K. Mehrotra Son of Late Shri H.S. Mehra R/o B-704, Lajpat Nagar, Moradabad, (U.P.)
2. Shri Rajesh Kumar, Son of Shri Uttam Chand, R/o H. No.212-A, Railway Harhtala Colony, Moradabad, (U.P)
3. Shri Ramesh Chandra, Chief Parcel Supervisor, Northern Railway, Rampur (U.P.)
4. Shri Jitender Kapoor, Chief Parcel Supervisor, Northern, Railways, Moradabad, (U.P.).
5. Shri H.N. Mishra, Outstanding Inspector, Northern Railways, Moradabad, (U.P.)
6. Sri A.N. Pathak, Chief Goods Supervisor, Northern Railways, Moradabad, (U.P.)
7. Shri S.P. Singh Chief Goods Supervisor, Northern, Railways, Bareilly (U.P.)

..... Applicants

Versus

1. Union of India, through the Secretary to the Government of India Ministry of Railways, New Delhi 110001.
2. General Manager, Northern Railway Baroda House, New Delhi.
3. Divisional Railway Manager, Northern Railways, Moradabad, (U.P.)
4. Shri Gajjo Lal, Parcel Supervisor, Northern Railways, Najibabad, Distt. Bijnor (U.P.)
5. Shri Gajran Singh Parcel Supervisor, Northern Railway, Amroha, Distt. Jyotiba Phule Nagar U.P.
6. Shri Tara Singh, Parcel Supervisor, Northern Railway, Bareilly, (U.P.)
7. Shri Shyam Sunder, Parcel Supervisor (Parcel Office), Northern Railway, Chandausi, Distt Moradabad (U.P.).

8. Shri K. C. Saroj Parcel Supervisor, Northern Railway, Moradabad (U.P.)
9. Shri Shamsuddin Chief Booking Supervisor, Northern Railways, Dharmpur Station, Distt. Bijnor (U.P.).
10. Shri Krishan Gopal, Ex-Chief Booking Supervisor, Northern Railways, Najibabad Station, Distt Bijnor (U.P.).
11. Shri Shankerlal Nigam (SC) Goods Supervisor, Son of Sri Layak Singh Nigam N.R. Cell, Divisional Railway Manager Office N. Rly, Moradabad. Opposite Parties

Advocate for the applicants:

Sri K.N. Katiyar

Advocate for the Respondents :

Sri P. Mathur
Sri R.C. Pathak

O R D E R

(Delivered by Hon'ble Mr. A.K. Gaur, J.M)

We have heard Sri K.N. Katiyar, learned counsel for the applicants and Sri R.C. Pathak, appearing on behalf of the private respondents and Sri P. Mathur, appearing on behalf of the official respondents.

2. Learned counsel for the applicants submitted that the seniority of the applicants has not been considered in accordance with the provisions of Rule and the latest decisions of Hon'ble Supreme Court on the point of reservation. He submitted that the case rendered by Hon'ble Supreme Court Reported in V.K. Sirohiya Vs. Union of India reported in 1999 SCC (L&S) 938, All India Non ST and S.C. and Ajit Singh-II Vs. Union of India reported in 1997 (7) SCC 209 and the latest decision of Hon'ble Supreme Court reported in 2008 SCC Union of India Vs. Pushpa Rani, should be

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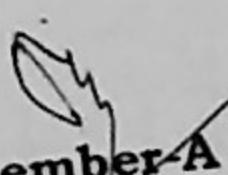
taken into account before deciding the representation of the applicants.

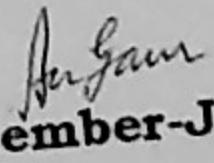
3. Accordingly, we hereby direct the applicants to prefer a comprehensive representation taking all grounds to the Competent Authority within a period of three weeks from the date of receipt of copy of this order and if such representation is received by the Competent Authority, he shall consider and pass appropriate reasoned and speaking order taking into account the various decisions of Hon'ble Supreme Court on the point, within a period of Six months from the date of receipt of copy of this order.

4. Learned counsel for the applicants stated that the respondents are going to initiate recovery proceeding against the applicants, if that being so, it is open to the applicants to challenge the order of recovery, if so advised.

5. With the aforesaid observations the O.A. is disposed of with no order as to costs.

Be it noted that we have not passed any order on the merits of the case.


Member-A


Member-J