

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

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Allahabad : Dated this 19th day of August, 1999

Original Application No.717 of 1998

CORAM :-

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. SKI Naqvi, J.M.

1. Krishna Mohan Tiwari,
S/o Sri Hardev Prasad Tiwari,
R/o Railway Qr. No.251-A,
Bauliya Colony, near Railway Girls Inter
College, Gorakhpur.
Presently working on the post of Office Supdt.I
(OS-I) in the Office of Chief Workshop Manager
(Mechanical), Wheel Shop, North Eastern Railway,
Gorakhpur.
2. Subedar Ram S/o Late Dukhi Ram,
R/o Railway Qr No.742-A, Type III, Kaua Bagh,
Colony, Gorakhpur.
(Presently working on the post of
Office Supdt.(OS-I) in the Office of the
Chief Workshop Manager(Mechanical)
Foundry Shop, North Eastern Railway, Gorakhpur.
3. Babu Lal Sharma,
S/o Late Musai,
R/o Railway Quarter No.339-B,
Model Colony, Gorakhpur.
Presently working on the post of Office
Supdt. (O.S.I) in the Office of the
Chief Workshop Manager (Mechanical),
Production, North Eastern Railway,
Gorakhpur.

(Sri S Narain, Advocate)

. Applicants

Versus

1. The Union of India through the
Ministry of Railways, Rail Bhawan,
New Delhi.
2. The Railway Board through the Executive
Director, Pay Commission-II, Railway Board,
New Delhi.
3. The General Manager, North Eastern Railway,
Gorakhpur.
4. The General Manager (Personnel),
North Eastern Railway, Production Unit,
Gorakhpur/Chief Personnel Officer,
North Eastern Railway, Gorakhpur.
5. Ramjeet Singh Yadav S/o Chisiyawan Yadav,
R/o Vill-Chelahawa, Post-Jangal Kauriya,
Gorakhpur, presently working on the post of
OS-II in the Office of Chief Mechanical
Engineer, North Eastern Railway, Gorakhpur.

RS

6. Madan Charan Srivastava, &
Presently working on the post of
Office Superintendent-II in the
Office of the Chief Mechanical Engineer,
North Eastern Railway, Gorakhpur.
7. Ranjeet Singh s/o Sri Laxmi Narain Singh
R/o Mohalla, Humayunpur North,
(Near Buddhi Batika), Gorakhpur,
Presently working as Office Supdt-II(OS-II),
at the System Technical School,
North Eastern Railway, Gorakhpur.
8. Sham Sunder Singh,
Presently working on the post of Office
Supdt-II(O.S.II), in the Office of the
Chief Workshop Manager (Mechanical),
North Eastern Railway, Gorakhpur.
9. Puran s/o Not known.
Presently working on the post of Office
Supdt.-II(O.S.II) in the Office of the
Chief Workshop Manager (Mechanical),
North Eastern Railway, Gorakhpur.

(Sri Prashant Mathur, Advocate)

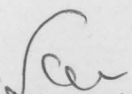
. Respondents


O R D E R (O_r_a_l)

By Hon'ble Mr. S. Dayal, A.M.

This application was filed for setting aside the order dated 5-6-1998 passed by the Executive Director, Railway Board, New Delhi and as also for issuance of suitable order or direction restraining respondent nos. 1 to 4 from recasting the seniority list of Clerks, Senior Clerks, OS-II or OS-I on the basis of the instructions contained in the impugned letter/order or the subsequent notings made by the General Manager. The direction was also sought that the inter-se seniority should be determined in the categories of Senior Clerks, OS-II and OS-I only in accordance with the provisions of Para 302 of the IREM Manual and the judgement of the Apex Court in the case of Anuradha Mukherjee. It appears that instructions were issued by the impugned order dated 5-6-1998 that the seniority would be assigned from the date of promorma promotion. This was contended to be violating the directions of the Apex Court in

Anuradha Muherjee's case. The confusion has been set right by the order of the Apex Court in disposing of the contempt petition no.374 of 1998 filed by some of the Railway Employees challenging the Board's Instructions dated 5-6-1998. The Apex Court stated in Para 7 of the judgement that proforma promotion would count only for the purposes of computation of pension and the concerned employees will not get seniority or any monetary benefit on that score. The Apex Court has also given direction that the compliance of direction be done within six weeks. In compliance of the direction of the Apex Court, the photocopy of the order dated 19-3-1999 has been produced before us by the Learned Counsel for the applicant which states that the Board's letter dated 5-6-1998 stands withdrawn and directs the authorities to take necessary action in the matter of the of application of the Apex Court's directions. Thus, the relief sought in this OA stands allowed by compliance of the direction of the Apex Court in the above contempt petition. Therefore, this application is disposed of with the direction to the respondents to comply with the direction of the Apex Court given in Contempt petition No.374/98 dated 24-2-99. The OA stands disposed of with the above direction.


Member (J)


Member (A)

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