

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD.

Original Application No.1109 of 1998.

Allahabad this the 03rd day of August 2004.

Hon'ble Mr. Justice S.R. Singh, V.C.  
Hon'ble Mr. D.R. Tiwari, A.M.

1. S.P. Pandey S/o Late S.N. Pandey.
2. P.L. Seth S/o Late R.S. Seth.
3. R.N. Prasad Son of late Madho Lal.
4. R.C. Shukla son of late R.D. Shukla.
5. P.C. Verma son of late K.K. Verma.

All office Superintendent Grade-I under Dy. Chief Commercial Manager/Claims., Northern Railway Station Building, Varanasi.

.....Applicants.

(By Advocates : Sri S Ram/ Sri P.K. Kashyap)

Versus.

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Dy. Chief Commercial Manager/Claims, Northern Railway Station Building, Varanasi.
3. Jeewan Ram S/o Shri Sonhu.
4. Nirmal Biswas S/o Shri Nalni Biswas, (Respondent Nos.3 and 4 Superintendent Grade-I Under Dy. Chief Commercial Manager/ Claims, Northern Railway, Station Building, Varanasi)

.....Respondents.

(By Advocate : Sri Lalji Sinha (absent)

O\_R\_D\_E\_R\_

BY JUSTICE S.R. SINGH, V.C.

The applicants <sup>who are</sup> all office Supdt. Gr.I, in the office of the respondent no.2 i.e. Dy. Chief Commercial Manager/Claims, Northern Railway Station Building, Varanasi, have instituted this O.A. for the following relief(s):

"(i) to direct the respondents to quash the office order No. 43/97 dated 19.6.1997 and not to determine the seniority of the applicants of O.A. no. 930 of 1988 w.e.f. 5.2.1988 in Grade of A.S. over and above the seniority of the applicants of this application on the plea of the judgment and order dated 15.7.1996.

(ii) to direct the respondent to give seniority to the applicants of this instant application over and above the applicants of O.A. no. 930 of 1988 keeping

in view the natural justice and the facts mentioned above.

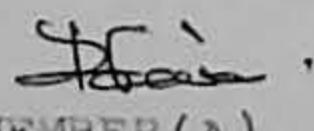
(iii) to direct the respondents to produce the record of the case before this Hon'ble Tribunal.

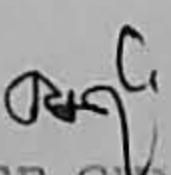
(iv) -----

(v) -----."

2. It appears that the applicants were aggrieved with certain observations made by the Tribunal in O.A. no. 930 of 1988 and, therefore, <sup>they</sup> filed a Review petition. The Railway Administration had also preferred a Review petition. The Review petitions came to be dismissed vide order dated 20.2.1997. In para 4 of the order, it was made clear that <sup>as opinion has been expressed</sup> as to how their seniority was to be determined. There was only a direction for giving them promotion w.e.f. a specific date. If, in addition, the respondents granted seniority to these applicants over the applicants in the Review application, they <sup>will</sup> ~~will~~ may have a fresh cause of action to agitate. We are therefore, of the view that the ends of justice would better be served if this O.A. is disposed of with a direction that incase the applicants file a detailed representation before the competent authority, <sup>the latter</sup> ~~will~~ shall take an appropriate decision in the matter in accordance with law by means of passing a reasoned and speaking order within a period of four months from the date of receipt of such representation. It is made clear that while deciding the representation, the competent authority shall afford an opportunity of personal hearing to the applicants and also the applicants of O.A. no. 930 of 1988.

3. Accordingly, the O.A. stands disposed of with no order as to costs.

  
MEMBER (A)

  
VICE CHAIRMAN

GIRISH/-