CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.410 OF 2004
ALLAHABAD THIS THE 21ST DAY OF APRIL,2004

HON'BLE MAJ GEN. K.K. SRIVASTAVA,MEMBER-A
HON'BLE MR. A. K. BHATNAGAR,MEMBER-J

1.   Abbas Ali S/o Rozan Ali.

2.   Yehsan Mohamman S/o Ahmad Ali.

3.   Noor Hassan S/o Jamaluddin.

4.   Mahant S/o Jhaghu.

5.   Jia Lal S/o Gyan Das.

6.   Rajendra Prasad S/o Neur Prasad.

7.   Basant Mishra S/o R.C. Mishra.

8.   Kalika Prasad S/o Shiv Das.

9.   Ram Lakhan S/o Shev Nath.

10. Tribhuwan Prasad S/o Babu Nandan.

11. Shyam Narain Ram S/o Bishwanath Ram.

12. Shyam Narain S/o Ramjee.

13. Jiut Prasad S/o Balroop.

14. Rajendra Pratap Singh

15. Kamruddin S/o Nafijullah.

16. Munna Lal R/o Mahadeo.

17. Md. Saddique S/o Md. Hanif.

18. Ram Dhani Yadav, S/o Ram Dutta.

19. Anarsi Ram S/o Merfi Ram.

20. Ajit Kumar S/o Ram Briksha Prasad.

21. Arun Kumar S/o Kashav.

22. Hira Lal Yadav S/o R.B. Yadav.

23. Madan Mohan Pandey S/o Ram Khelawan.

24. Briksha Ram S/o Shri Jag Ram.

25. Ram Naresh S/o Ram Lakhan.

26. Ganesh S/o Nand Kishore.

27. Phagu Ra, S/o Ghurhu Ram.

28.   Satya N. Prasad Jagar Nath.

29.   Shiv Dhani Prasad S/o Jadu Mandan.

30.   Ghrphekan Ram S/o Nanhku.

All employed as fitter Gr. II U/AME(C&W) E.C. Rly.

Mughalsarai, District-Varanasi .

...........Applicants

(By Advocate Shri S.K. Dey & Shri S.K. Mishra)

Versus

1.   Union of India,
     through the General Manager,
     E.C. Rly. Hajipur, Bihar.

2.   TheSenior D.P.O.,E.C. Rly.
     Mughalsarai, District-Varanasi.

3.   The AME (C&W) E.C. Rly. Mughalsarai,
     District-Varanasi.

4.   Sri Kulbhushan Singh fitter Gr. II U/AME (C&W),
     E.C. Rly. Mughalsarai, District-Varanasi.

5.   Sri Ranna Ojha Fitter Gr. II U/AME (C&W) E.C. Rly,
     Mughalsarai, District-Varanasi.

...........Respondents

(By Advocate Shri K.P. Singh)

O R D E R

HON'BLE MAJ GEN. K.K. SRIVASTAVA,MEMBER-A

      This O.A. has been instituted under section 19
of Administrative Tribunals Act 1985, praying for quashing
the impugned seniority list dated 29.10.2003 and letter
dated 18.03.2004 which is in regard to re-structuring on the
ground that the re-structuring is being done in excess of

SC and ST quota. The applicants have also prayed for
direction to respondent no.1 to 3 to fix the pay of the
applicants at par with the respondent nos.4 and 5. The
applicants are working as Fitter Grade II in E.C. Railway
Mughalsarai. Their grievance is that though they were
senior to respondent no.4 and 5 vide seniority list dated
08.02.2000 but in the impugned seniority list dated
29.03.2003 (Annexure A-5) they have been brought down and have
been made junior to respondent nos. 4 and 5. Their further
grievance is that the re-structuring is to be done as per
impugned order dated 18.03.2004, Perusal of which would
show that the benefit is being given to SC and ST beyond the
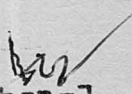reservation quota which is prescribed for them.

2.   For the redressal of the grievance the applicants
have filed representation before respondent no.2 on 3.12.03
(Annexure A-6) and 20.01.2004 (Annexure A-7). The represen-
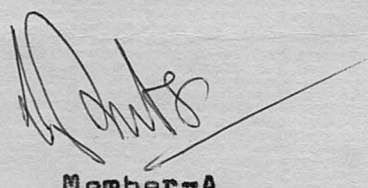tations of the applicants have not been decided so far.

3.   In our opinion ends of justice shall better be
served if a suitable direction issued to respondent no.2
i.e. Senior D.P.O. to decide the representation of the appli-
cants by a reasoned and speaking order within specified time.

4.   In view of the above, the O.A. is finally disposed
of at the admission stage itself with direction to respondent
no.2 i.e. Senior D.P.O. E.C. Railway, Mughalsarai to decide
the representation of the applicants dated 03.12.2003
(Annexure A-6) and 20.01.2004 (Annexure A-7) by a reasoned
and speaking order within a period of two months from the
date a copy of the order of this Tribunal is filed
before him.

5.   In order to protect the interest of the applicants
we provide that no action would be taken by the respondents
on their impugned letter dated 18.03.2004 (Annexure A-8)
till the representation of the applicants is decided.
A copy of the order shall be given to the counsel for the
parties within two days.   No costs.

                                                                        Member-J   Member-A

/Neelam/