

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

Allahabad, this the 6th day of December, 1999.

ORIGINAL APPLICATION NO. 431 OF 1999

ALONGWITH

ORIGINAL APPLICATION NO. 432 OF 1999

ALONGWITH

ORIGINAL APPLICATION NO. 433 OF 1999

Coram : Hon'ble Mr.S.Dayal, Member (A)  
Hon'ble Mr.Rafiq Uddin, Member (J)

Suresh Kumar Nigam,  
S/o. Shri M.P.Nigam,  
R/o. 307A, Type-III,  
D.L.W. Varanasi.

.....Applicant in  
O.A.No.431/99

(By Shri K.K.Mishra, Advt.)

Versus

1. Union of India, through the Secretary,  
Ministry of Railways, Rail Bhawan,  
New Delhi.
2. General Manager,  
Diesel Locomotive Works,  
Varanasi.
3. Chief Personnel Officer,  
D.L.W. Varanasi.
4. Chief Design Officer,  
D.L.W. Varanasi.

.....Respondents

(By Shri A.Sthalekar, Advt.)

Malayandra Nath Guha Niyogi,  
S/o. Late Shri B.N.Guha Niyogi,  
R/o. D-51/21-1, Suraj Kund,  
Varanasi.

.....Applicant in  
O.A.432/99

(By Shri K.K.Mishra, Advt.)

Versus

1. Union of India through the Secretary,  
Ministry of Railways, Rail Bhawan,  
New Delhi.
2. General Manager, D.L.W. Varanasi.

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3. Chief Personnel Officer, D.L.W.  
Varanasi.

4. Chief Design Officer, D.L.W.  
Varanasi.

.....Respondents in  
O.A. 432/99

(By Shri A.Sthalekar, Advt.)

Madan Chandra Gupta,  
S/o. Late Shri K.C.Gupta,  
R/o. 452-B, Type-III,  
D.L.W. Varanasi.

.....Applicant in  
O.A.433/99

(By Shri K.K.Mishra, Advocate)

Versus

1. Union of India, through the Secretary,  
Ministry of Railways, Rail Bhawan,  
New Delhi.
2. General Manager,  
Diesel Locomotive Works,  
Varanasi.
3. Chief Personnel Officer,  
D.L.W. Varanasi
4. Chief Design Officer,  
D.L.W. Varanasi.

.....Respondents in  
O.A. 433/99

(By Shri A.Sthalekar, Advt.)

O R D E R (Oral)

(By Hon'ble Mr.S.Dayal, Member(A) )

These original application Nos. 431/99, 432/99  
and 433/99 were heard together because of similar  
question involved in case of the three applicants in  
these three original applications.

- 2) The applications have been filed seeking a  
direction to the respondents to grant benefit of

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seniority to the applicants in the light of judgement and order dated 22-7-92 passed in T.A. No.46/87 and treating the applicants senior to Shri T.K.Jain. The applicants have also sought similar monetary benefits with arrears as had been made available to four applicants on the basis of the judgement and order dated 22-7-1992.

3) Applicant in O.A.No.431/99 has contended that he entered service as a Tracer in Mechanical Design Office in the year 1964. In 1966 and 1967, eight officials working as Draftsman in Civil Engineering Department <sup>were</sup> absorbed in Mechanical Design Office. Four aggrieved officials of Mechanical Design Office filed a Writ Petition No.532 of 1978 seeking absorption/appointment of 8 respondents as Draftsman in the grade of 205-380 in the Mechanical Engineering Department to be declared illegal. Writ Petition was decided as T.A. 46 of 1987 and the applicants were declared as entitled to the benefit of seniority in preference to the respondents and granted benefit notional promotion if the same was given to the respondents. These applicants claimed similar benefits by a joint representation to the respondents as they <sup>claim that they</sup> belong to the same panel from which the applicants in T.A. had been promoted. The learned counsel for applicant mentions that the respondents have not granted the same benefit to the applicants because the applicants were not party to the earlier T.A. The Railway Board by letter dated 5-3-99 was written to General Manager, D.L.W. Varanasi to implement the order passed in a recent O.A.No.208 of 1995 on 1-12-98 in favour of the applicant as well as in

favour of similarly placed employees. The learned counsel for the applicant contends that the order has been implemented in case of the applicants in that O.A., but has not been implemented for the applicants in these original applications. He has placed a copy of the order of a Division Bench of this Tribunal in O.A.No. 208/95 dated 1-12-98. The situation of the applicant in O.A. 208/95 is claimed to be in ~~paramateria~~ <sup>paramateria</sup> with the situation obtaining in case of the applicants of the O.A.s before us.

4) We have heard the arguments of Shri K.K.Mishra for the applicant and Shri Amit Sthalekar for the respondents. We have perused the pleadings on record.

5) We find that Shri Gurcharan Singh was one of the applicants in T.A. 46/87 decided on 22-7-92. Shri Gurcharan Singh had been promoted as Draftsman Mechanical Design on 26-3-73 while the applicants were so promoted on 1-10-73, 19-07-73 and 19-7-73 respectively. It also can be seen from Annexure-A1 that the respondents in T.A. 46 of 1987 had been absorbed as Draftsman from 13-7-66 to 16-10-67. The Division Bench of the Tribunal in Registration No.46/87 has not considered their absorption as Civil Draftsman <sup>as valid</sup> from 1966 and 1967 in preference to the Draftsman of Mechanical Design cadre who have been promoted subsequently upto March, 1973 as tenable.

6) Nowhere it is on record as to the date on which the officials who were respondents in T.A. 46/87

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were taken as absorbed in the cadre of Draftsman in Mechanical Design cadre. In view of this situation and the fact that the applicants appear to be entitled to a similar treatment as applicants in other original applications in case the respondents Shri T.K.Jain and others in T.A. 46/87 have been treated as promoted to the cadre of Draftsman Mechanical Design subsequent to the promotion/appointment of the applicants as Draftsman Mechanical Design, and in case the applicants are found to be similarly situated as the applicants in T.A.46/87 and applicant in O.A.No.208 of 1995. The respondents are directed to grant them similar benefits as the applicants in T.A. 46 of 1987 and O.A. 208 of 1995. These directions shall be complied within the period of three months.

- 7) There shall be no order as to costs.

Sd.  
J.M.

Sd.  
A.M.