

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

(6)

O.A. No. 339, 340, 345 / 1987  
TAX NOX

DATE OF DECISION 8.6.1989.

AS PER ATTACHED SHEET. Petitioners

MR. D.F. AMIN Advocate for the Petitioner(s)

Versus

UNION OF INDIA & ORS. Respondents

M/S. R.P. BHATT & N.S. SHEVDE Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.H. TRIVEDI, VICE CHAIRMAN.

The Hon'ble Mr. P.M. JOSHI, JUDICIAL MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal. *Yes*

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O.A. No. 339/87

1. Manharlal Ramchandra,  
Storeman, Stores Dept. R.E.  
Office of Dept. Store Keeper,  
Western Railway,  
Railway Yard,  
Godhra.
2. Abhelsing Fatabhai,
3. Mohamed Shamim Mohamod Hanif
4. Manusing Dalabhai,
5. Sardar Bhaiji,
6. Sardar Fatehsing,
7. Narvat Raghya Nath,
8. Ram Dhulla,
9. Laxman Kanji,
10. Raiji Sabur,
11. Arat Mathur,
12. Mohan Mansukh,
13. Arvind Bhogilal,
14. Budha Sabur,
15. Fatesing Dhana,
16. Sardar Raising,
17. Mangal Chema,
18. Mohan Limba,
19. Ramsing Manukh,
20. Jhala Soma,
21. Fata Virsing,
22. Narpat Magan,
23. Anis Mustufa,
24. Mushad Yusuf,
25. Bharat Babulal,
26. Veersing Bhura,
27. Babu Bhala,
28. Chandu Moti,
29. Natwarsing D,
30. Nahipat Kosor,
31. Gulabsing Vaghabhai,
32. Manoranjan D.
33. Ramesh Khimaji,
34. Magan Mathur,
35. Sana Hira,
36. Magan Kabhai,
37. Dhirajsing P.
38. Vikramsing D.
39. Amarsing Vachat,
40. Sakra Madha,
41. Vala Masukh,
42. Parsing Sabur,
43. Babar Salam
44. Mahendra Udesing
45. Tahir Jabur,
46. George Augasten,
47. Mustaq Abdul G.
48. Mohamed Nasir,
49. Ravesing Moting,
50. Dasu Mansukh,  
Khalasi,  
Office of the Dept. Store  
Keeper, Western Railway,  
Railway Yard, Godhra.

..... Petitioners.

(Advocate: Mr. D.F. Amin.)

Versus.

1. Union of India represented by the Additional General Manager, Railway Electrification, having his office at Rly. Yard, P.O. Allahabad (U.P.).
2. General Manager, Western Railway having his Head quarters, office at Churchgate, Fort, Bombay - 1.
3. Chief Controller of Stores, Western Railway, having his office at Head quarters, Churchgate, Fort, Bombay.
4. Chief Project Manager, Western Railway, Electrification Rly. yard, Pratapnagar, P.O. Vadodara.
5. Divisional Railway Manager, Western Railway, Ratlam Division, Rly. Yard, P.O. Ratlam (MP).
6. Divisional Railway Manager, Western Railway ~~xxxxxx~~ Ratlam Division, Rly Yard, Pratapnagar, P.O. Vadodara.
7. Dy. Controller of Store, Railway Electrification, Rly. Yard, Pratapnagar, P.O. Vadodara. .... Respondents.

(Advocate : Mr. N.S. Shevde)

O.A. No. 340/87

1. Manishkumar L.
2. Ramesh P.
3. Jayantilal D.
4. Kanubhai Kantibhai,
5. Kalubhai Somabhai,
6. Vajesing C.
7. Mohammed Hanif
8. Kalubhai Manubhai,
9. Vajesing Ratansing,
10. Ranjit Chandulal
11. Usman Ismail
12. Balwant Prabhatsing
13. Kanji Udesing
14. Ramanbhai Somabhai,
15. Raijibhai Nanabhai,
16. Kanubhai D.
17. Dhira singh Kadva
18. Bhailalbhai J
19. Jayantilal R.
20. Bhikhabhai J.
21. Unnikrishnan S.
22. Vireshkumar Pande,
23. Babubhai N.
24. Parvatsing G.
25. Chhatrasing A.
26. Subhash Omkar,
27. Dayanand R.
28. Navabsing S.
29. Harisharan S.
30. Shobharamsing C.
31. Natvar Shana
32. Nasirmiya U.
33. Lalsing G.

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34. Bhavsing G.  
35. Balwant Natvar  
36. Gulab Sardar  
37. Nansing M  
38. Arvind D  
39. Nikunjben  
40. Faruk M  
41. Mohammed Rafik A  
42. Riyasat Ali  
43. Dayashanker Oza  
44. Ramsukh R.  
45. Jamaluddin N  
46. Hargovind H  
47. Raman Mangal  
48. Shivnarayan R  
49. Amarsing L  
50. Babubhai S  
51. Saukathusein A  
52. Kantilal P  
53. Nasirahmed B to  
..... (Registry/note-Sr. No. 54, not indicated)  
55. Rameshbhai Nanabhai  
56. Ganpat Vaghbhai  
57. Fatesing Rupabhai  
58. Kamleshkumar B  
59. Jivan Baburao Patil  
60. Rameshbhai Ishwarbhai  
61. Chandrasing Mahasukhbhai  
62. Prabhatsing Navalsing,  
63. Savji Punabhai  
64. Abdul Razak  
65. Abdul Ganibhai  
66. Shashikant Pawar,  
67. Dineshkumar Jadav  
68. Ayubkhan Mustufakhan  
69. Balwant Nanubhai  
70. Yakub Bachumiya  
71. Zafrullakhan  
72. Rohitkumar  
73. Suresh Bahadur  
74. Pratapsing C.  
75. Manubhai Somabhai  
76. Bharatsing S.  
77. Babubhai N  
78. Vasant B  
79. Dipsing M  
80. Mohanbhai M  
81. Gopal K  
82. Gulab N  
83. Lalubhai G  
84. Surajsing K  
85. Kanaiyalal Mishra  
86. Keshav T  
87. Surabhan  
88. Balwant Natwar  
89. Natwqr Kuberbhai  
90. Mahijibhai K  
91. Nathusingh Ramsingh  
92. Ranchhod C  
93. Ratansingh Amarsingh  
94. Ratansingh R  
95. Bharat Gala  
96. Laxman Amarsingh  
97. Laxman Mahasukh  
98. Ashok Omkar  
99. Bijal Bhodu  
100. Dipsingh S.  
101. Kishor Lakha  
102. Jayant Balkrishnan

103. Anilkumar P.  
104. Chandrapal Sharma,  
105. Udesing Mangalbhai  
106. Puransing Ravat  
107. Balu Pandurang Pandit,  
108. Bhadrasil Kunde,  
109. Abdulkadar  
110. Ramveersing K.  
Khalasis,  
C/o. Principal Foreman,  
Railway Electrification,  
Gr. No. 42, Baroda. .... Petitioners.

(Advocate: Mr. D.F. Amin.)

Versus.

1. Union of India,  
Represented by the Addl. General  
Manager, RE, Allahabad. (UP)  
2. The General Manager,  
Western Railway, HQ Offices,  
Churchgate, Bombay-20.  
3. The Divisional Railway Manager,  
Western Railway, Baroda  
Division, Pratapnagar,  
Baroda.  
4. The Divisional Personnel Manager,  
Western Railway,  
Ratlam Division, Ratlam,  
Madhya Pradesh.  
5. The Divisional Personnel Manager,  
Western Railway, Baroda Division,  
Pratapnagar, Baroda.  
6. The Chief Project Manager,  
Railway Electrification,  
Pratapnagar, Baroda.  
7. District Electrical Engineer,  
Western Railway, (Overhead Equipment)  
Railway Electrification,  
Railway Yard, Pratapnagar,  
Vadodara. .... Respondents.

(Advocate: Mr. N.S. Shevde)

O.A.No. 345/87

1. Shreekumaran G.  
2. Suman K. Tadvi  
3. Ramesh U.  
4. Ravjibhai A.  
5. Ramgaluman  
6. Smt. Nisha J.  
Khalasis,  
C/o. Principal Foreman,  
Railway Electrification,  
Gr. No. 42,  
Baroda Division, Baroda. .... Petitioners

(Advocate: Mr. D.F. Amin)

Versus.

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1. Union of India,  
Represented by the Addl. General  
Manager, RE, Allahabad (UP)
2. The General Manager,  
Western Railway, HQ Offices,  
Churchgate, Bombay.
3. The Divisional Personnel Manager,  
Western Railway, Baroda Division,  
Pratapnagar, Baroda.
4. The Divisional Rly. Manager,  
Western Railway, Ratlam Division,  
Ratlam, Madhya Pradesh.
5. The Divisional Personnel Manager,  
Western Railway,  
Baroda Division, Pratapnagar,  
Baroda.
6. The Chief Project Manager,  
Rly. Electrification,  
Pratapnagar, Baroda.
7. District Electrical Engineer,  
Western Railway, (Overhead Equipment)  
Railway Electrification,  
Railway Yard, Pratapnagar,  
Vadodara. .... Respondents.

(Advocate: M/s. R.P. Bhatt & N.S. Shevde)

COMMON JUDGMENT

D.A.No. 339 OF 1987

O.A.No. 340 OF 1987

O.A.No. 345 OF 1987

Date: 8.6.1989.

Per: Hon'ble Mr. P.M. Joshi, Judicial Member.

The petitioners (50 in O.A.No. 339/87 & 109 (incorrectly shown as 110) in O.A.No. 340/87, filed on 16.7.87 & 6 in O.A.No. 345/87 filed on 17.7.87) have challenged the validity of the seniority list. According to the case set up by them, the seniority list in question notified for the purpose of retrenchment is violative of Rule 77 of Industrial Disputes Rules and the guidelines laid down by the Supreme Court in Inderpal Yadav & Ors. (judgment dated 18/4/1985) and also embodied under Railway Board's circular dated 11.9.86 and General Manager's

circular dated 26.5.87. It is alleged that even though the seniority list notified for the purpose is for effecting retrenchment of the petitioners from the services, the action of the respondents is bad in law for want of prior permission of the competent authority as required under section 25-N of the Industrial Disputes Act, 1947.

2. Out of 50 petitioners, 20 of them i.e., petitioners No. 17, 18, 22, 24, 26, 27, 28, 32, 33, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48 & 49 in O.A.No. 339/87 are retrenched vide order dated 16.7.87 (Annexure 'J'); whereas the services of 78 petitioners, out of 109 in O.A.No. 340/87 are terminated with effect from 20.7.87 under separate and individual notice of the same date, but with identical contents of the notice, which reads as under :-

Sub:- Retrenchment of casual labour -  
Railway Electrification works.

You were employed as a casual labour for carrying out Railway Electrification works in Electrical department of Railway Electrification project under the control of DEE/OHE/Gr.42/RE/ BRC in the geographical boundary of Baroda Division.

As the construction works, for which you were employed are coming to a close, work load is reduced and therefore it is not possible to continue you in employment. It has, therefore, become necessary to terminate your employment.

The statutory provisions regarding retrenchment under the 'Industrial Disputes Act, 1947 have been followed as under :

- (i) A combined seniority list of project casual labour for Electrical Department of Baroda Division was placed on the notice board of this unit on 24.6.87 and has reference to this office letter No.VRRE/EL DHE/Cr.42/E615/1/1 Dated 23.6.87. This is in compliance to Rule 77 of the Industrial Disputes (Central Rules), 1957.
- (ii) An amount of Rs. 862-00 being the notice pay in lieu of the month's notice is paid to you today in compliance to section 25F of Industrial Disputes Act, 1947.

- (iii) Retrenchment compensation of Rs.2155-00 becoming due according to service rendered by you has been paid to you today in compliance to section 25F of Industrial Disputes Act, 1947.
- (iv) A notice to this effect has also been served to appropriate authorities notified by Central Government in prescribed Form 'P' for the purpose.
- (v) The principle enunciated in section 25-G of Industrial Disputes (Amendment) Act, 1984 has been followed.

Accordingly, your employment stands terminated with effect from 20.7.87. A.N.

Payment of your due was arranged today (20.7.87) but you have remained absent as such payment could not be made to you today.

Employer Sd/-  
& Dy. Controller of Stores  
Railway Electrification, Pratapnagar,  
(Stamp) Vadodara - 4.  
(CHE - Gr.42 & SS Unit)

The services of all the petitioners (6 in all in O.A.No.345/87) are terminated with effect from 20.7.87 as indicated under letter dated 2/6th July, 1987.

3. In this batch of applications, identical issues are raised and hence they were heard together, and decided by rendering a common judgment. The respondents in their counter have denied the claims and assertions made by the petitioners. According to them, in the matter of preparation of seniority list of project casual labourers for each department of a division the guidelines and instructions as contained in General Manager's (E) letter dated 26.2.87 cited by the petitioners have been duly followed and the same has been duly published in confirmity with the instructions issued in this regard. However they contended that the provisions of Section 25-N of the I.D. Act are not applicable to

the respondents-railway administration. In O.A.340/87 it is clarified that out of 109 petitioners, 31 of them are on job i.e., petitioners No. 3,9,12,17,19,27, 29,30,40,41,42,52,53,55,56,57,63,64,66,69,73,88,90,91, 92,94,95,96,97,98 & 99.

4. When the matter came up for hearing, we have heard Mr. D.F.Amin the learned counsel for the petitioners and M/s. R.P.Bhatt & N.S. Shevde, the learned counsel appearing for the respondents. The petitioners have mainly assailed the action of the respondents in seeking retrenchment of the petitioners on the grounds inter-alia that the seniority list is not duly prepared and published in consonance with the instructions and guidelines issued by the Railway Board and the General Manager and also the requirements of Section 25-N are not followed before retrenching the concerned petitioners. Mr. D.F.Amin, the learned counsel for the petitioners in support of his submission relied on the case of "S.Stephen Arokia Raj & 9 Ors. V/s. Union of India & Ors." decided by Madras Bench on March 11, 1987 (1988), 6 Administrative Tribunals Cases, 215. Mr. R.P.Bhatt, the learned counsel for the respondents, however vehemently contended that the provisions of Section 25-N of Chapter V-B of the Industrial Disputes Act do not apply to the Industrial Establishment of Railways and thus the action of retrenchment can not be said to be illegal or void. According to him, the said provision apply only to industrial establishment or factories, mines and plantation as stipulated in Section 26-L of Chapter V-B of the Act, which reads as under :-

"26L. Definitions. - For the purposes of this Chapter, -

- (a) "industrial establishment" means -
  - (i) a factory as defined in clause(m) of section 2 of the Factories Act, 1948;
  - (ii) a mine as defined in clause(j) of sub-section(1) of section 2 of the Mines Act, 1952; or
  - (iii) a plantation as defined in clause(f) of section 2 of the Plantations Labour Act, 1951; or
- (b) notwithstanding anything contained in sub-clause(ii) of clause (a) of section 2, -
  - (i) in relation to any company in which not less than fifty-one per cent of the paid-up share capital is held by the Central Government, or
  - (ii) in relation to any corporation (not being a corporation referred to in sub-clause(i) of clause (a) of section(2) established by or under any law made by Parliament, "

The decision in the matter was deferred, as the question of the jurisdiction in the matters of 'casual labour' was referred to the Full Bench of the Tribunal which has now rendered its judgment on 24.4.1989.

5. The substantial question for our consideration is whether the provision of Section 25-N are attracted in the present case or not. Our answer is in the affirmative.

6. One of the requirements of Section 25-N contemplated that a prior permission of the appropriate Government has to be obtained before the workman is retrenched. Section 25-N, clause (b) (as amended by Central Act of 1982) is as follows :-

- (b) the prior permission of the appropriate Government of such authority as may be specified by that Government by notification in the official Gazette (hereinafter in this section referred to as the specified authority) has been obtained on an application made in this behalf."

Sub-sections 2 to 9 deal with how prior permission of the appropriate Government referred to in clause (b) has to be processed. In the case of S. Stephen Arokiaraj & Ors. (supra) the petitioners were the employees of Southern Railway. While defending the action of retrenchment in the Affidavit filed by the respondents (Railway Administration), in the said case, it was stated that "as per clause (b) of Section 25-N (1) prior

permission from the specified authority, viz; Divisional Railway Manager, has been obtained." In the context of the Notification No. SO 562(F) dated 24.8.76, it was observed that the only authority, who has been notified as special authority for the purpose of Section 25-N, in the official gazette, is the Secretary to Government of India in the Ministry of Labour. Thus prior permission can be given either by the Central Government or by the specified authority viz; the Secretary to the Government of India in the Ministry of Labour. Accordingly, it was held that the Divisional Railway Manager had no authority to grant prior permission under sub-clause 1(b) of Section 25-N of the I.D.Act.

7. The stand of the respondents, however in this case is that provision of Section 25-N are not applicable at all. Now Chapter V-B of I.D. Act, 1947 deal with special provisions relating to lay-off retrenchment and closure in certain establishment. Section 25-K provides that the provisions of this chapter shall apply to an industrial establishment in which not less than 100 workmen are employed on an average per working day for the preceding 12 months. It is pertinent to note that the impugned notice terminating the services of the concerned petitioners clearly makes a reference of Section 25-F of the I.D.Act. Now the said provisions are applicable in the case of an establishment engaged in "industry" as defined under the I.D.Act. It is not understood how the provisions contained under section 25-L exclude the industrial establishment of the railway either expressly or by any implication. The provision of Section 25-N require an employer of the

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establishment employing the required number of workmen, to acquire permission of Government or authority specified to retrench surplus workmen. Chapter V-B of I.D. Act imposes a public duty on such employer not to retrench workman contrary to Section 25-N and writ of mandamus can be issued to compel, to carry out the duty (see 1981 Lab.I.C. 942 A.P.) The impugned action on the part of the respondents in terminating the services of the petitioners concerned suffers from want of jurisdiction and is vitiated for the reasons that no prior permission has been obtained from the authority contemplated under section 25-N. Permission is a condition precedent for a valid retrenchment.

8. In view of our aforesaid findings, it is obvious that the services of the respondents can be terminated only after obtaining the requisite permission as envisaged under section 25-N of the I.D. Act. Accordingly, perhaps, it is not necessary for us to decide the petitioners' plea regarding the seniority list in question purported to have been prepared and notified in compliance of the guidelines laid down by the Railway Board. But since both the sides have argued at length, it would be in the fitness to discuss their rival stand. According to the petitioners, the seniority list of such casual labourers has to be prepared by the District Electrical Engineer and he is required to send it to the Divisional Personnel Manager to enable him to prepare a combined seniority list (underlined to supply emphasis) of each department of the division and send it back to the District Electrical Engineer for its final publication in terms of instructions laid down in para 3 & 3(4) of the circular dated 26.5.87

and also the circular dated 22.10.1986. According to them, the instructions provide the responsibility of the unit concerned, who is having surplus casual labour to **notify** the Divisional Personnel Officer (DPO) atleast 3 months in advance so as to enable him to display them to other establishment where vacancies existed before taking final action regarding retrenchment in case of such casual labourers who have acquired temporary status. The said officer has to decide which unit have to give notice or find out where such surplus project casual labour could be deployed.

9. The rules regulating the terms and the conditions of casual labour including entitlement of privileges, termination of services, absorption etc. are exhaustively enumerated in the railway board's circular No. E(NG) II-77/CL/46 dated 8.6.81. The Supreme Court in Civil Misc. Petition No. 40897/85 in W.P.Nos. 147 & 320-69 of 1983 in Indrapal Yadav & Ors. had passed the following order on 18.9.1986.

O R D E R

"We are of the view that the scheme prepared by the Railways setting out the list of project casual labour with reference to each department in each Division and also in regard to each category, namely, skilled, semi-skilled and unskilled, is in compliance with the judgment and order dated 18.4.85 given by this Court and that absorption of these with the longest service be made in accordance with such list. Mr. Krishnamurti Iyer states that this process will be completed within two months from today. The matter is disposed of in these terms."

10. The instructions given in this regard for the guidance of the zonal railways, which are pressed in service, have been contained in railway board's letter dated 11.9.86, which are reproduced as under:-

5.2.1 On each Zonal Railway, the list of project casual labour will be prepared for each Division, as under :-

- i) Project casual labour employed on works of each of the Departments like Civil Engineering, Signal & Telecommunication, Electrical, etc. within the geographical boundaries of a Division (irrespective of whether the works are executed by a Division or by the Construction Organisation or by the Chief Project Manager/Railway Electrification reporting to the General Manager of a zonal railway) will form one unit (separately for each department) for which one seniority list will be prepared for each department. In this manner, for each of the Departments on each Division, there will be none separate list of project casual labour employed on works executed within that Division.
- ii) Within each Department, the seniority list will be prepared according to categories, as under :-
  - (a) All unskilled casual labour will be treated as one category.
  - (b) Semi-skilled casual labour will be treated trade-wise.
  - (c) Skilled casual labour will be treated trade-wise.
- iii) In cases where the execution of a project spreads over more than one Division, the guiding principle will be that all the project casual labour will be assigned to the Division in which the station where they were initially engaged is located. This will be covered by the directions of the Hon'ble Supreme Court that where the implementation of its direction involves some adjustment, the same must be done.

11. With regard to the seniority list of project casual labourers it has been laid down in the letter issued by the General Manager and its letter dated 26.2.87 that once the seniority list of construction project casual labour has been given to the D.P.Os of the division concerned he should prepare a consolidated seniority list including the project casual labour of his division of the department concerned and notified the same for information of all concern. The procedure for maintainence and

operation of seniority list and retrenchment have been embodied in the said letter in the following terms :

**III. Maintenance and operation of seniority list:**

Maintenance and operation of seniority list will be done by the DPO of the Unit in which the casual labour was originally engaged. If any construction unit is having surplus project casual labour the name of such project casual labour should be advised to the DPO concerned indicating the seniority number in the combined seniority list to enable the DPO concerned to take necessary action and to decide which project casual labour is required to be retrenched/shifted.

**IV. Re-trenchment:**

As regards retrenchment notice in case of surplus project casual labour, this will be done by the executive authority who have been authorised to issue notice. Retrenchment pf project Casual Labour should be strictly on the basis of combined seniority list of the project casual labour, prepared in terms of the Railway Board's letter No. E(NG) II/84/CL/41 dated 11.9.86 Circulated under this office letter No. E(R&T) 615/0 dated 19.9.1986. It is responsibility of the Personnel Officer of that division to ensure that the juniormost project casual labour of the seniority unit (prepared on divisional basis) is retrenched on the basis of combined seniority, if the surplus could not be engaged elsewhere. Since great care is required to be taken, it should be the responsibility of the unit concerned who is having surplus project casual labour to advise the concerned DPO atleast 3 months in advance so as to enable him to take action to make necessary adjustments and to decide which unit have to give notice or find out where such surplus project casual labour could be deployed. It should be the responsibility of the DPO to ensure that the senior surplus casual labour on the basis of combined seniority is retained on his division in preference to juniors working in that division.

12. The respondents in their counter, have stated that the petitioners' plea to combine seniority of project casual labour with non-project casual labour (also called open line casual labour), is not correct. According to them, the seniority of project casual labour was first submitted to the Divisional Railway Manager, Baroda (under whom the Divisional Personnel Officer, Baroda functions) vide office letter No. VRRE/E/615/1(RS) dated 29.10.1986. It was contended by the respondents, inter-alia that the petitioners should be

concerned only with the correctness of the seniority and in conformity with directions on the subject and not how and by whom the seniority should be compiled. We do not find merits in the contentions raised by the respondents in this regard. It is expressly provided in the guidelines referred to above that the retrenchment of project casual labour should be strictly on the basis of combined seniority list. The Personnel Officer of the Division is under a mandate to ensure that the junior-most project casual labour of the seniority unit is retrenched on the basis of combined seniority, if the surplus could not be engaged elsewhere. More over it is enjoined upon the unit concerned, who is having surplus project casual labour to advise the concerned D.P.O. atleast three months in advance so as to enable him to take action to make necessary adjustment and to decide which unit have to give notice or find out where such surplus project casual labour could be deployed.

13. It is significant to note that even though it is reiterated by the respondents that they have compiled the seniority list correctly in consultation with the Divisional Personnel Officer, but no materials have been placed on record on the basis of which the Tribunal can be satisfied about the necessary compliance of the guidelines and instructions laid down for the purpose. The petitioners did file their representations against the seniority list as notified by the respondents. It is true, the respondents seem to have rejected the representations. However, in doing so, they have not explained adequately as to how and what circumstances they have followed the detailed instructions issued by the

Railway Board in this regard. In absence of all the relevant materials it is not possible to agree with the stand reiterated by the respondents and it will be therefore in the fitness to direct the respondents to decide the representation of the petitioners afresh by advertizing to all the relevant documents as envisaged by rendering a speaking order.

14. In the circumstances of the case, we are clearly of the opinion that the action of the respondents in terminating the services of the petitioners referred to above is vitiated for the reason that no prior permission has been obtained from the competent authority and hence the action of retrenchment of the said petitioners is violative under section 25-N and accordingly, the same is quashed and set aside. The respondents are hereby directed to reinstate all such petitioners whose services are terminated and pay their backwages within three months from the date of this order by treating them to be in continuous service of the Respondents. The respondents are further directed to decide the representations of the petitioners afresh in terms of our observations made in para 13 of this judgment within the period of six months.

All the three applications i.e. O.A.No. 339, 340, 345 of 1987, are partly allowed and stand disposed of with the observations and the directions indicated above. But in the circumstances of the case we direct the parties to bear their own costs.

  
( P. M. JOSHI )  
JUDICIAL MEMBER

  
( P. H. TRIVEDI )  
VICE CHAIRMAN