IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

M.A./446,447,448 & 449/88
in
O.A. No. 309, 310, 311, 1988
~~T.A.No.~~ & 312/

DATE OF DECISION 16.08.1988

Shri Kantibhai Devshibhai & Ors. Petitioner

Shri B.B. Gogia Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri B.R. Kyada Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.M. Joshi .. .. Judicial Member

The Hon'ble Mr. P.K. Mallick .. .. Administrative Member

(1)

M.A./446/88
in
O.A./309/88

Shri Kantibhai Devshibhai
Gayatrinagar Main Road,
Near Amber Nivas,
Rajkot. .. Applicant

Versus

1. Union of India, through,
General Manager, W.Rly.,
Churchgate, Bombay.
2. Chief Engineer (West)
Western Railway, Churchgate,
Bombay.
3. Executive Engineer(Const.),
Western Railway,
Jamnagar. .. Respondents

M.A./447/88
in
O.A./310/88

Shri Amarsinh Jorubha,
Police Head Quarters,
Block No.2, Room No.16,
Jamnagar Road,
Rajkot. .. Applicant

Versus

(same as above). .. Respondents

M.A./448/88
in
O.A./311/88

Pravin Parshottam,
Mahadev Vadi
B/h. Bhaktinagar Rly.Station,
'PURUSHARTH',
Laxminagar Main Road,
Rajkot. .. Applicant

Versus

(Same as above) .. Respondents

M.A./449/88
in
O.A./312/88

Kanji Merubhai Vaghela,
Targhadi Village,
Padhdhari Taluka,
Jamnagar Road,
Rajkot District. .. Applicant

Versus

(Same as above) .. Respondents.

CORAM : Hon'ble Mr. P.M. Joshi .. Judicial Member

Hon'ble Mr. P.K. Mallick .. Administrative Member

ORAL-ORDER

16.08.1988.

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

In this batch of cases, the petitioners have claimed the benefit of the schme framed by the railway administration in respect of the casual labourers who were retrenched earlier. They have filed this application under section 19 of the Administrative Tribunals Act, 1985 for the redressal of their grievance against inaction on the part of railway administration in absorbing them and their non-consideration while preparing the seniority list.

2. Mr. B.B. Gogia, the learned counsel for the petitioners states that the railway authorities have started processing the preparation of seniority list and even though the petitioners had served the railway administration as casual labourers during the relevant period and their claim is squarely covered under the scheme duly framed by the railway administration, the same is not considered by them. Mr. B.R. Kyada, the learned counsel for the respondents has strongly opposed the admission of the application on the grounds inter-alia that the petitioners have not moved the railway authorities by filing their claim for absorption and unless such remedy is exhausted by them, it will not be competent for the Tribunal to entertain the application. We find great substance in the submission made by Mr. Kyada in this regard.

3. It is conceded that the petitioners have, so far, not registered their claim for absorption before the competent authority. Mr. Gogia states that the

petitioners are prepared to file their claim and the Tribunal may direct the authorities concerned to consider their claim and redress the grievances of the petitioner.

We, therefore, direct the competent authority of the respondents - railway administration that on receipt of the claim of the petitioners for absorption, they should decide the same within a period of 4 months by a speaking order. In case, the petitioners are left with any grievance after such orders, they will be free to move the Tribunal by a fresh application. With these observations, O.A. and M.A. stand disposed of at the stage of admission.

Sd/-
(P K Mallick)
Administrative Member

Sd/-
(P M Joshi)
Judicial Member

CENTRAL ADMINISTRATIVE TRIBUNAL AHMEDABAD BENCH AHMEDABAD

23/8/88

TRUE COPY

C. T. MANIAR 23/8/88
Deputy Registrar,
Central Administrative Tribunal
AHMEDABAD