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IN THE CENTRAL ADMINISTRATIVE TRIAUNAL
AHMEDABAD BENCH

O.A. No.
~~XXXXXX~~

266 of 1989 with O.A./192/89

DATE OF DECISION 14th December, 1994.

Shri Jadav Rama and ors.

Petitioner(s)

Shri P. J. Bhatt

Advocate for the Petitioner(s)

Versus

Union of India and ors.

Respondent(s)

Shri R. M. Vin

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. V. Radhakrishnan : Member (A)

The Hon'ble Mr. Dr. R. K. Saxena : Member (J)

O.A./266/89.

1. Jadav Rama,
Rly. Quarters,
Dhola Junction.
2. Pathubha Mansing,
residing at Timbi Village,
via Dhola Junction.
3. Savaji Lavaji,
At Dhassa Village Via
Dhassa Junction.
4. Jilubha M.,
Rly. Quarters,
Dhassa Junction.
5. Gagji Bhagwan,
Guj. Housing Board,
Kumbharwada, Nari Road,
Bhavnagarpara.

...Applicants.

Versus

1. Divisional Mechanical Engineer(E),
Bhavnagar,
Western Railway, having its
office at Bhavnagar para.
2. The Union of India,
(To be served through the
Secretary, Ministry of Railways,
Central Secretariat,
New Delhi.

...Respondents.

O.A./192/89.

1. Jadav Rama,
2. Pathubha Mansing
3. Savaji Lavaji
4. Jilubha M.,
5. Gagaji Bhagwan
6. Abdul Karim
7. Manga Bhikha
8. Najeroon Hussain
9. Sharadchandra Pawar
10. Chhagengar M.

...Applicants.

Versus

1. The General Manager,
Western Railway,
Churchgate,
Bombay.
2. Union of India,
(To be served through the
Secretary, Ministry of Railways,
Central Secretariat, NEW DELHI).

3. Jamnadas M.
 4. Yusufali A.
 5. Navalkishore D.
 6. R.G.Pandey
 7. Bijal Hirji
 8. Ravindrasingh Yadav
 9. Kalika R.Mishra
 10. Amarshi B.
 11. Ramsing B.
 12. Kalu Ali
 13. Sharadchandra K.
 14. Keshavalal R.
 15. Chunilal Mavji
 16. Pala Mepa
 17. Kanji Gobar
 18. Nanji Bobar
 19. Viram Kana
 20. Kalu Mandan
 21. Pratapray N.
 22. Manji Savaji
 23. Gordhan Jeram.
 24. Manu Bhana
 25. Bhaskar Odhavji
 26. Shamji Kuda
 27. Purshottam K.K.
 28. Sursing G.
 29. Kishavlal L.
 30. Valiabhdas C.
 31. Mansukhlal K.
 32. Yusuf Ismail
 33. Shivlal N.
 34. Harides Purshottam.

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...Respondents.

ORAL JUDGMENT

O.A. NO. 266 OF 1989

with

O.A. NO. 192 OF 1989

Date : 14.12.1994.

Per : Hon'ble Dr.R.K.Saxena : Member (J)

These are two O.A.'s, O.A./266/89 and O.A./192/89.

O.A./192/89 is filed by ten applicants whose names are given therein, while O.A./266/89, is filed by five of them. The case of the applicants in brief is that they were promoted in the scale of Fireman Grade 'A' from the scale of Fireman Grade 'B'. Their seniority was determined by the department in the year 1985 and in that list they were shown from

Sl.No.108 to 112, 115, 116, and 120 to 122. But seniority was subsequently changed in the year 1989. According to this change soon after Shri Dhanjikalubhai(SC), at Sl.No.107, several other persons who were junior to the applicants in the list of 1985, were brought in between and the position of the applicants was brought down from 142 to 146, 149, 150 and 153 to 155. The contention of the applicants therefore, is that the seniority list of 1989 has been arbitrarily drawn without hearing the applicants themselves. It is an admitted fact that they had represented to the department on 12.4.1989, and by the union on 16th April, 1989, but those representations were kept by the respondents undecided. Therefore, they approached the Tribunal. They were also apprehensive of their reversion and for that reason O.A./266/89 was also filed by five of those applicants.

2. Shri P.J.Bhatt appearing on behalf of the applicants submits that the representation which was earlier moved to the department should be directed to be disposed of and if necessary the applicants may also be heard. He further submits that if this direction is given the applicants are prepared to withdraw the case. It is pointed out during the arguments that the seniority list of 1985 with regard to the Fireman Grade 'A' was made final as was shown in the letter dated 31.1.1985/7.2.1985. In view of this fact, it becomes necessary that the department should consider all these facts afresh. Since some of the applicants have already retired from service, it is directed that the representation may be disposed of within a period of two months from the date of receipt of this order. The respondents shall also

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intimate the result of the decision taken about the seniority to the applicants within a fortnight thereafter.

3. As regards case no.04/266/89, it has been conceded by the learned counsel for the applicants that they were given promotion and this fact has also been accepted by the learned counsel for the respondents. Thus no cause of action with respect to the said O.A. survives.

4. Both the O.A.'s No.266/89 and 192/89, are therefore, disposed of accordingly. No order as to costs.

Sd/-
(Dr.R.K.Saxena)
Member (J)

Sd/-
(V.Radhakrishnan)
Member (A)

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