

Seniority (No)

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CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH
~~NEWWDXXXM~~

O.A. No. 525 of 1990
~~Exx No.~~

DATE OF DECISION 7.10.1991

Gopichand M. & Ors.

Petitioner

Mr. P.K. Handa

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Mr. N.S. Shevde

Advocate for the Respondent(s)

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The Hon'ble Mr. K.J. Raman Member (A)

The Hon'ble Mr. R.C. Bhatt Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

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ADW

1. Gopichand M.
2. Dattu Waman Palit
3. Jethalal D. Joshi
4. Luis V. Fernandiz
5. Richard J.M.
6. Krishnarao M.
7. Ramanbhai D. Makwana
8. ~~Sath~~amsingh Prabhatsingh
9. Kamanbhai P. Parmar
C/o. Shri D.R. Patel,
165, Maninagar Society,
Manjapur,
Vadodara - 390 011.
(Advocate - Mr. P.K. Handa)

.. Applicants

Versus

1. Union of India,
Through
General Manager, W.Rly.,
Churchgate,
Bombay.
2. Divisional Rly. Manager,
Western Rly. Pratapnagar,
Vadodara - 390 004.
3. Senior Divisional Electrical
Engineer (IRS),
Western Railway,
Vadodara Yard 390 002.

.. Respondents

O.A. No. 525 of 1990

O R A L - O R D E R

Dated : 7.10.1991

Per : Hon'ble Mr. K.J. Raman .. Member (A)

This application, under section 19 of the Administrative Tribunals Act, 1985, has been filed by nine applicants who are all working as Fitters under the Senior Divisional Electrical Engineer (IRS), Vadodara, against the Union of India, through the General Manager, Western Railway and two other officials. The grievance of the applicants in this case is that their seniority as shown in the letter dt. 25.5.1987 of the respondents

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(Annexure A-5), which was settled matter, has been changed to their disadvantage by the issue of the impugned order dated 18.9.1989 (Annexure A). This has also been done without giving any opportunity to the applicants to represent against the depression in their seniority.

2. Learned advocates Mr. P.K. Handa for the applicant and Mr. N.S. Shevde for the respondents are present.

3. Learned counsel for the applicant briefly explained the facts of the case and the grievance of the applicants. He highlighted that the principles of natural justice have not been followed in issuing the impugned order dated 18.9.1989.

4. We have considered the pleadings and the submissions made by the learned counsel for the applicant. We find that it is possible to dispose of this application at the admission stage itself.

5. We admit this application.

6. We find that the order dated 18.9.1989 (Annexure A) contains the following concluding remarks:

"The staff may be advised accordingly and the representation if any may be obtained, submitted to this office within one month from the date of issue of the letter. Any representation received after one month will not be entertained."

From the above, it is clear that the impugned order is not a final one and is subject to consideration of representations from the persons mentioned in that order regarding the proposed change in the seniority.

7. We feel that the respondents should be given an opportunity to consider the representations of the

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applicants against the proposed depression in seniority by the impugned order. It has been stated that the applicants have already submitted some representations in 1989 itself against the proposed change in seniority. The present application also contains number of grounds against the proposed change. We feel that the respondents should consider these grounds and finally determine the seniority in accordance with the rules and the law.

8. For this purpose, the applicants may, either in a joint application, or severally, submit their fullfledged representation containing the points urged in the present O.A., and also other points, if any. This representation may be submitted within one month from today to the appropriate authorities. If the representations are submitted as above, the respondents shall consider the same and dispose of the representation, in accordance with the law, within a period of three months from the date of receipt of such representation. In case the existing seniority of the applicants is disturbed, the appropriate authorities shall issue a speaking order.

9. With the above observations, this application is disposed of, without any order as to costs.

Raval
(R.C.Bhatt)
Member (J)

K.J.Ramanay
(K.J.Raman)
Member (A)