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CAT/J/13

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 236 OF 1991
~~**T.A.NO.**~~

DATE OF DECISION 6.11.1998

Shri D.G. Barot & Ors.

Petitioner s

Mr. P.K. Handa,

Advocate for the Petitioner [s]

Versus

Union of India & Ors.

Respondent s

Mr. N.S. Shevde,

Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V. Ramakrishnan, Vice Chairman.

The Hon'ble Mr. P.C. Kannan, Judicial Member.

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ? ~
- 2, To be referred to the Reporter or not ? ~
- 3, Whether their Lordships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ? ~

1. Shri D.G. Barot
2. " R.C. Sharma
3. " A.J. Pandya
4. " B.D. Patel
5. " R.K. Upadhyay
6. " Kuberbhai N. Nai
7. " R.B. Singh
8. " R.D. Gautam
9. " M.S. Tiwari
10. " J.S. Vyas
11. " C.B. Pawar
12. " J.M. Gadhvi
13. " P.R. Pandya
14. " I.N. Momin
15. " P.R. Kalyani
16. " U.R. Buch
17. " Varwaji M. Thakor
18. " D.T. Gusani
19. " O.P. Vyas
20. " H.C. Malik
21. " B.M. Chauhan
22. " P.D. Yadav
23. " G.V. Patel
24. " M.V. Desai
25. " R.N. Kansara
26. " V.M. Kalia

..... Applicants.

Passanger Guards in
Sr. Divisional Operating
Superintendent's Office,
Rajkot.

(Advocate : Mr. P.K. Handa)

VERSUS

1. Union of India,
Copy to be served through
General Manager, Western Railway,
Churchgate, Bombay - 400 020.

2. Divisional Railway Manager,
Western Railway, Rajkot.

3. Sr. Divisional Operating Supdt.,
DRM Office, Western Railway,
Rajkot.

4. B.R. Namteke .. C/o. SS Hapa
5. D.V. Chavda .. C/o. SS Ahmedabad
6. N.G. Vankar .. C/o. SS Mehsana
7. D.G. Gavande .. C/o. SS Ahmedabad
8. A.K. Leua .. C/o. SS Vijapur
9. S.C. Chopra .. C/o. SS Mehsana
10. P.A. Makwana .. C/o. SS Ahmedabad
11. H.V. Wala .. C/o. SS Surendranagar
12. J.P. Parmar .. C/o. SS Mehsana
13. R.K. Solanki .. C/o. SS Ahmedabad
14. K.K. Parmar .. C/o. SS Hapa
15. B.H. Chauhan .. C/o. SS Mehsana
16. Shyamdev Ram .. C/o. SS Morvi
17. M.R. Vasava .. C/o. SS Ahmedabad
18. N.K. Siddi .. C/o. SS Rajkot
19. K.A. Makwan .. C/o. SS Ahmedabad
20. J.B. Patel .. C/o. SS Mehsana
21. Chensing Malvi .. C/o. SS Mehsana
22. Rajelal Koli .. C/o. SS Ahmedabad

Address of Respondents No. 4 to 22:

C/o. Sr. Divisional Operating Supdt.,
DRM Office, Rajkot.

(Advocate: Mr. N.S. Shevde)

..... Respondents.

ORAL ORDER

O.A.No. 236/1991

Date : 6.11.1998

Per: Hon'ble Mr. V. Ramakrishnan, Vice Chairman.

We have heard Mr. Handa for the applicants and Mr. Shevde for the respondents.

2. The applicants 26 in number, who are in the cadre of Guards, had filed the O.A. challenging the seniority list of passenger Guard in the scale of 1350-2200 which was circulated dated 24.7.90 as at Annexure A. The main ground urged in support of the O.A. is that while determining the seniority of general category vis-à-vis reserved category employees the principle laid down by the Supreme Court in Virpal Singh Chauhan's case ought to have been followed which was not done in the present case.

3. Mr. Shevde for the Railway Administration now submits that the seniority list dated 24.7.90 was not being operated and in the context of the law laid down by the Supreme Court in such matters, the same has been superseded and revised. According to him, a provisional seniority list has been published on 9.7.97 which follows the principle laid down by the Supreme Court. He further brings out that the Railway Administration also had issued instructions dated 15.5.98, enclosing a copy of the Advance Correction Slip No.44 to give effect to the decision of the Supreme Court in such matters. Mr. Shevde submits that some objections have been received to the provisional seniority list of July 1997 and they are being considered and the seniority list will be finalised soon. We record these statements of Mr. Shevde.

4. Mr. Handa says that the applicants have gone through the provisional seniority list of July 1997 and according to him, the same is in order as it has

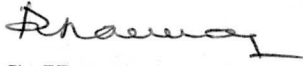
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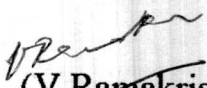
been ^{prepared} in consonance with the direction by the Supreme Court. He further submits that the same should be made final.

5. Having regard to the developments, which have taken place and which are brought out and the submissions of the counsel we direct the respondents that while disposing of the objections received, they shall follow the principle laid down by the Supreme Court and the Railway Board instructions dated 15.5.98. The seniority list should be finalised as expeditiously as possible in the interest of the career advancement of the Railway employees.

6. Mr. Handa says that in case the applicants find the final seniority list ^{does} has not conform to the revised instructions and the principle laiddown by the Supreme Court, they may be granted liberty to challenge the same. Liberty granted as such a remedy is available to them.

7. With the above direction, the O.A. is finally disposed of. No costs.


(P.C. Kannan)
Member (J)


(V. Ramakrishnan)
Vice Chairman

Vtc.