

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

O.A. No. /253/93 with M.A./201/93  
T.A. No.

DATE OF DECISION 27<sup>th</sup> July, 1993.

Krishnalal Shamjibhai Gajjar. Petitioner

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

Versus

Union of India & others Respondent

Mr.Anil Kothari Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C.Bhatt : Judicial Member.

The Hon'ble Mr. M.R.Kolhatkar : Admn. Member.

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 ? ✗

Krishna~~hal~~ Shamjibhai Gajjar,  
Hindu, Aged about 58 years,  
Occu: 10-B, Vagheshwari Society,  
Canal Road, P.O.Ghodasar,  
Ahmedabad.

..... Applicant.

(Advocate : Mr. B.B.Gogia)

Versus.

1. Union of India,  
Owning and representing  
Western Railway,  
Through: General Manager,  
Western Railway, Churchgate,  
Bombay.
2. Divisional Railway Manager,  
Western Railway,  
Rajkot Division,  
Rajkot.
3. Divisional Railway Manager,  
Western Railway, Baroda Division,  
Baroda.

..... Respondents.

(Advocate: Mr. Anil Kothari)

ORAL ORDER

O.A.No. 253/1993

with

M.A.No. 201/1993

Date: 27-7-1993.

Per: Hon'ble Mr. R.C.Bhatt, Judicial Member.

Heard Mr. B.B.Gogia, learned advocate for the  
applicant and Mr. Anil Kothari, learned advocate for  
the respondents.

2. This application under section 19 of the  
Administrative Tribunals Act, 1985, is filed by  
retired Electrical Chargeman against the Railways  
seeking the relief as under:

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"8. Relief/s sought:

(A) The decision of the respondents dated 24.6.1991 and 3.5.1991 at Annexure A/9 and A/10 may be declared arbitrary, illegal, discriminatory and may be quashed and the respondents may please be directed to grant all the benefits as granted to the juniors S/Shri M.P.Ashar and S.C.Ganguli in terms of Memo dated 31.1.90 and 5.2.90 produced at Annex. A/3 and A/4 with consequential benefits such as promotion in scale Rs.700-900(R)/2000-3200(RP) as per modified procedure with effect from 1.1.84 without subjecting him to selection as done in the case of juniors with benefit of seniority promotion etc. from 1.1.1984.

(B) Any other better relief/s ~~xxx~~ as this hon'ble Tribunal deem just and proper looking to the circumstances of the case may kindly be granted to the applicant."

3. The case of the applicant as pleaded in the application is that the request of the applicant for promotion and other benefits extended to his juniors S/Shri Ganguli and M.P.Ashar were denied to him on the sole grounds<sup>n</sup> that the applicant was not a party in the litigation instituted by his juniors. The applicant has produced the seniority list at Annexure A-1, which is the seniority list of SCLC/AEF. The applicant has also produced the copy of the judgment in T.A.1201/86 decided on 23rd June, 1987 and the applicant wants the benefit of that judgment. The applicant has also produced at Annexure A-3, the order of promotion given to S/shri M.P.Ashar and S.C.Ganguli vide Annexure A-3. The said two ~~xxxx~~ persons were, thereafter, given fixation in scale Rs. 700-900(R)/Rs.2000-3200(RP) in terms of respondent No.2's order dated 5th February, 1990 vide

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Annexure A-4. The case of the applicant is that he was promoted to the scale of Rs. 550-740(R)/1600-2660 (RP) along with the said two persons vide memorandum dated 7th November, 1986 vide Annexure A-5. The applicant has produced at Annexure A-6 & A-7 the seniority list issued by Baroda Division and Rajkot Division respectively. Thereafter, the applicant made representation dated 2nd May, 1991 vide Annexure A-8 addressed to the Chief Electrical Engineer(E) Western Railway, Churchgate, Bombay through proper channel to which he received the decision vide Annexure A-9 dated 24th June, 1991 wherein the copy of letter dated 31st May, 1991 addressed to D.R.M(E) Rajkot is reproduced vide Annexure A-10. The contents of the document Annexure A-10 show that as the applicant was not a party in the Court case filed by S/Shri M.P.Ashar and S.C. Ganguli, he could not be extended the benefit of judgment pronounced in the case by C.A.T. Ahmedabad and the D.R.M.(E) Rajkot was advised to ensure that the applicant is assigned correct seniority in scale mentioned therein as per extent rules on the subject. The applicant has alleged that the applicant, thereafter, represented in person as well as through Western Railway Employees Union to the respondents and the minutes recorded by Railway Administration about the meeting with Western Railway Employees Union at Headquarter level are annexed at Annexure A-11. The applicant has already retired on superannuation on 28th February, '93

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4. The last minute recorded at Annexure A-11 is dated 10th December, 1991 and therefore, the applicant has filed M.A. 201/93 that he ought to have filed this application against that order latest by 10th December 1991 but he has filed it after the expiry of that period after four months and 18 days and the delay be condoned. We have perused the averments made by the applicant in the <sup>petition</sup> ~~applicant~~ and we <sup>find</sup> ~~have~~ sufficient cause for condoning the delay for the period of four months and 18 days in filing this petition and we condone it and allow M.A. <sup>to</sup> ~~and~~ <sup>hold</sup> ~~the~~ application in time.

5. We admit this application. The learned advocate for the applicant submitted before us that considering the last minute dated 10th December, 1991, it is clear that so far the question of fixing of the seniority of the applicant is concerned, though the decision in T.A.1201/86 given by this Tribunal was considered by C.P.O as per the last minute of 5th September, 1991, some queries have been raised and the minutes show <sup>that</sup> ~~that~~ the queries would be <sup>answered</sup> ~~unanswered~~ and the case would be perused. Mr. Gogia for the applicant submits that after 10th December, 1991, the applicant has not received any intimation from the respondents as to what is final result of that meeting between the Western Railway Employees Union at Headquarter level and the respondents. He submitted

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that the applicant has not received any intimation so far. We also inquired from learned advocate Mr. Kothari for the respondents as to whether any decision has been taken ultimately after 10th December, 1991 by C.P.O or other competent authority on receiving queries as per the last minute dated 10th December, 1991, but he was not ~~able~~ in a position to give reply as he had no material with him today. <sup>n</sup> Therefore, this matter can be finally disposed of by giving suitable direction to the respondents as under.

ORDER

The respondents or their competent authority entitled to decide the question of promotion of the applicant to take the decision in pursuance of the last minute dated 10th December, 1991 produced at Annexure A-11 by the applicant, <sup>n</sup> ~~if~~ <sup>in case</sup> the decision is not taken till today. <sup>n</sup> ~~If~~ the respondents or their competent authority have taken the decision about the applicant's promotion then they may communicate the same to the applicant and if ~~not~~ <sup>n</sup> decision is taken, <sup>n</sup> ~~and~~ then they are directed to take the decision and to communicate the decision to the applicant within two months from the receipt of this order. Application is disposed of accordingly. No order as to cost. M.A. 201/93 is also disposed of.

*M.R. Kolhatkar*

(M.R. Kolhatkar)  
Member (A)

*R.C. Bhatt*

(R.C. Bhatt)  
Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

AHMEDABAD.

Application No. OA/253/43 with MD/201/93 of 199

Transrer Application No. \_\_\_\_\_ Old writ Pet. No.

C E R T I F I C A T E

Certified that no further action is required to be taken and the case is ift for consignment to the Record Room (Decided).

Dated : 2 06/08/43.

Countersigned :

opdhaen  
17/8/93  
Section Officer/Court Officer

RSC.  
Sign. of the Dealing Assistant.

