

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH: AHMEDABAD**

O.A.NUMBER 716 OF 1993

Ahmedabad, this the 16th day of October, 2000

Hon'ble Mr. V.Ramakrishnan, Vice Chairman

Hon'ble Mr. A.S.Sanghavi, Judicial Member

1. Resalatali F.
2. Madhubhai K.
3. Suresh S.
4. Kantilal Hirji
5. Kasam A.
6. Jamnadas J. Dave
7. Manharlal Samji
8. Rajendrasinh B.
9. Arjan P.
10. Yeshwant T. Pathak

Sr. Khalasis
C & W Depot, Western Rly.
HAPA, Dist. Jamnagar.

Applicants.

Advocate: Mr. Y.V. Shah

Versus

1. Union of India
Through the General Manager
Western Railway
Churchgate, Bombay-20.
2. Divisional Railway Manager(E)
Western Railway, Rajkot.

Advocate: Mr. N.S. Shevde

Respondents

ORDER(ORAL)

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

The applicants ten in number are holding the post of Senior Khalasis are aggrieved by the fact that their claim for promotion as Fitter -Grade-III in the scale of Rs.950-1500 in Carriage and Wagon Depot Hapa has not been considered while their juniors have been given such promotion. They also seek a direction that their pay may be fixed proforma in preference to the junior staff. In C.& W. Depot in Hapa.

2. The respondents have denied the allegation that junior persons have been promoted. The respondents have brought out that initially some promotion was given to persons who were stated to be junior to the applicant and these orders were superseded and the juniors also were reverted to the scale of Rs.800-1150 . They have referred in this connection to the order at Annexure R-1. Subsequent to this, some persons have again been promoted. As regards the contention that persons who come from other depots should take the bottom seniority as the seniority is maintained depot-wise by the Railways, the respondents have stated that division-wise seniority would be relevant in such a situation and they have also referred to

the joint decision taken in consultation with the Union. However, no orders to substantiate the rival claim^{have} been produced.

3. After some discussion both counsel submit that applicants have submitted representation dated 27.4.93^{and} that this has not been disposed off. Mr. Shevde submits that the representation has in fact been received but as the matter is pending before the Tribunal the same could not be disposed off. Mr. Y.V.Shah requests that a direction maybe given to the respondents to dispose of such representations and that a personal hearing may also be given to the applicants.. Mr. Shevde has no objection to this submission.

4. In the light of the statement of both the counsel we direct the respondents to dispose of the pending representation and also to treat the present O.A. as subsequent representation and take a decision on various points raised therein after giving an opportunity to the applicants to state their case in person.

The respondents shall communicate the decision in this regard by means of a speaking order citing the various rules and instructions to substantiate their stand regarding the basis for reckoning the seniority. This

shall be done within three months from the date of receipt of a copy of this order.

{ The O.A. is finally disposed of with the above directions with.
no orders as to costs.

A. S. Sanghavi

(A.S.Sanghavi)
Member (J)

V. Ramakrishnan

(V.Ramakrishnan)
Vice Chairman

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