

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

**C.P. No. 122 of 1996 In
O.A. No. 514 of 1993**

Date of decision : 09.08.2000

Mr. M. A. Dhatiwala & Ors. : Petitioner [s]

Mr. M. S. Trivedi : Advocate for the petitioner [s]

Versus

Union of India and 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. A.S. SANGHAVI : MEMBER (J)

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. M. A. Dhatiwala.
2. Shri. N. C. Diwakaran
Working as Head Clerk,
In the Office of Chief Works Manager,
Engineering Workshop,
Sabarmati, W. Rly.,
Ahmedabad.

= Applicants =

Advocate : Mr. M. S. Trivedi

Versus

1. Union of India, through
Shri. M. Ravindran,
The General Manager,
W. Rly., Church gate,
Bombay.
2. Shri. Ramesh Pinjani
Chief Works Manager,
Engineering Workshop,
W. Rly., Sabarmati,
Ahmedabad - 380 019.

= Respondents =

Advocate : Mr. N. S. Shevde

**ORAL ORDER
C.P. 122 of 96
IN
O.A 514 of 93**

Date : 09.08.2000

Per Hon'ble Shri. V. Ramakrishnan : Vice Chairman.

We have earlier heard Mr. Trivedi for the applicant. We have also heard Mr. Shevde and had gone through the materials on record.

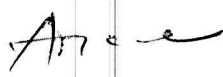
2. The complainant has alleged that the directions of the Tribunal in O.A 514 of 93 decided on 03.06.96 have not been complied with by the respondents. The Tribunal had dealt with a batch of matters including O.A 514 of 93 and other connected O.As which dealt with the question of implementation of the directions of the Supreme Court with regard to finalisation of the seniority of general candidates vis-a-vis reserved candidates as per the Supreme Court's decision in the case of Ajit Singh Juneja etc. The Tribunal in para-9 gave directions to the respondents to re-fix the seniority/promotion/reversion and take necessary suitable consequential steps in accordance with the law laid down by the Supreme Court in the case of Ajit Singh Juneja and also stipulated a period of three months to finalise the same.


3. Mr. Shevde for the respondents says that in view of the complexity of the matter, it took some time for the Railway Administration to revise the seniority list. He says that this exercise has since been done. He also brings out that there were number of other cases filed by other parties and courts has given stay in some cases etc. However, he now submits that the revised seniority list has been published in accordance with the principle laid down by the Supreme Court in Ajit Singh Juneja's case. He refers in this connection to the M.A 439 of 2000 which encloses such seniority list. There is, however, an endorsement in the seniority list that it will be treated as provisional till the final out come of the case. Subject to this

stipulation, Mr. Shevde confirms that this is the final seniority list prepared by the Railway Administration. Mr. Shevde also says that action has been taken to take consequential steps following the publication of this seniority list. We record the statement of Mr. Shevde.

4. In the light of the averment of Mr. Shevde, we find that the respondents have taken action to finalise the seniority list. They have stated that they have done so in accordance with the directions of the Supreme Court in Ajit Singh Juneja's case as understood by them and that consequential steps also have been taken. In the light of the position as brought out now, we hold that there is no disobedience of the directions of the Tribunal. There is however, considerable delay in finalising this seniority list which has exceeded the time limit given by the Tribunal by a wide margin. However, we note the submission of Mr. Shevde that in view of the complexity of the case and pendency of litigation etc., such a delay was ^{unavoidable} ~~un-accorded~~. 1

5. In the circumstances, we hold that there is no contempt. The C.P. is dismissed and the alleged contemnors are discharged.


(A.S. Sanghavi)
Member (J)


(V. Ramakrishnan)
Vice Chairman