

Date of Decision: 16.1.96.

OA 528/95

Sohan Singh, Valikhan, Dhokal Ram, Mehru Khan, Heera Ram, Guman Singh, Basta Ram, Somu Khan, Champa Lal, Heera, Sultankahn, Kasam Khan, Fakir Khan, Gordhan Lal, Mubarak Khan, Alam Khan, Rahmet Khan, Bhekaykhan, Ismail Khan, Babulal, Gheesa Ram, Durga Ram, Rajak Khan, Budha Ram and Alam Khan

... Applicants.

Versus

Union of India and others

... Respondents.

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. O.P. SHARMA, MEMBER (A)

For the Applicants

... Mr. D.C. Sharma

For the Respondents

... Mr. R.K. Soni

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicants, named above, in this applicatin u/s 19 of the Administrative Tribunals Act, 1985, have prayed for quashing the impugned order, at Ann.A-1, by which these applicants were declared surplus and transferred and adjusted according to seniority as a result of the conversion of the section from Meter Guage to Broad Guage. They have also prayed for a direction to the respondents not to give effect to the impugned order, at Ann. A-1, as also for a direction to the respondents to decalre the staff surplus in accordance with the Extant Rules.

2. We have heard the learned counsel for the parties and have gone through the records of the case.

3. Applicants were working as Gangmen in the Pipar Road Unit and their grievance is that some of the applicants, who are senior persons, have been declared surplus arbitrarily while persons junior to them have been retained. The applicants claim that their transfer to another place has been occasioned by malice since some seniormost persons have been decalred surplus ignoring the provisions contained in the Circular dated 21.4.89, at Ann.A-4. The applicants have made representation, at Ann.A-6, dated 19.11.95, which has not been decided by the respondents till date. The learned counsel for the respondents has no objection to the representation being decided.

4. In the circumstances, we dispose of the OA at the stage of admission

and direct the respondents to take a decision on the representation, at Ann.A-6, dated 19.11.95 within a period of one month from the date of receipt of a copy of this order through a detailed speaking order meeting all the points raised in the representation. No order as to costs.

(O.P. SHARMA)

MEMBER (A)

C. Krishna
(GOPAL KRISHNA)

VICE CHAIRMAN

VK