

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
JODHPUR

DATE OF ORDER : 19.8.1998.

O.A.NO.32/1996.

1. Shri Narain Dass S/o Shri Badri Dass by Caste Vaishnav, Senior Clerk, Engineering Branch, Divisional Railway Manager, Northern Railway, R/o 18/177 Chaupasni Housing Board, Jodhpur.
2. Shri Bajrang Singh S/o Shri Jabbar Singh By Caste Rathore Rajput, Senior Clerk, Engineering Branch, Divisional Railway Manager Office, Northern Railway, R/o No T-161 A, Divisional Railway Colony, Jodhpur.
3. Shri Chander Singh S/o Shri Hari Singh By Caste Chauhan, Rajput, Senior Clerk, Engineering Branch, Divisional Railway Manager Office, Northern Railway, Jodhpur R/o Quarter No. 202, Nehru Park Colony, Jodhpur.

..... Applicants.

VERSUS

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Jodhpur.
3. Divisional Personnel Officer, Northern Railway, Jodhpur.
4. Bhanwar Lal S/o Shri Meh Ram, Head Clerk, PWI Office, Northern Railway, Jodhpur.
5. Rajendra Prashad Mathur, S/o Shri Nemi Chand, Head Clerk, I.O.W. Office, Northern Railway, Barmer.
6. Jeevan Singh S/o Shri Ken Singh, Head Clerk, PWI Office, Northern Railway, Merta Road.
7. Shri Subodh Chandra S/o Shri Man Chand, Head Clerk, IOW Office, Northern Railway, Merta Road.

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8. Chhotelal S/o Shri Rambalal, Head Clerk, P.W.I. Office, Northern Railway, Jodhpur.
9. Sona Ram S/o Shri Rawat Ram, Head Clerk, Northern Railway, Barmer.
10. Madhu Sudan S/o Shri Radha Krishnan, Head Clerk, Northern Railway, Jodhpur.
11. Hari Singh S/o Shri Bhagwan Singh, Head Clerk, Engineering Branch, Northern Railway, Jodhpur.
12. Javri Lal S/o Shri Chaturbhuj, Head Clerk, A.E.N., Deedwana.
13. Jeet Lal S/o Shri Jagan Nath, Head Clerk, Engineering Branch Northern Railway, Jodhpur.
14. Ramji Lal S/o Shri Virdha Head Clerk, P.W.I. Office, Northern Railway, Jodhpur.
15. Sukh Ram S/o Shri Vishwesar, Head Clerk, P.W.I. Office, Northern Railway, Jodhpur..

..... Respondents.

Mr. M.L.Kala, Advocate, Brief Holder for Mr. U.S.Bhargava, Counsel for the Applicants.

Mr. R.K.Soni, Counsel for the Respondents No. 1 to 3.

Mr. M.S.Singhvi, Counsel for the respondents No. 4 to 15.

CORAM :

HONOURABLE MR. A.K.MISRA, JUDICIAL MEMBER

HONOURABLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

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O R D E R

PER MR. A.K.MISRA, JUDICIAL MEMBER :

The applicants had submitted this O.A. with the prayer that the provisional seniority list issued on 26.9.1995 (Annexure A/1) be quashed and the original seniority^{as per} list dated 18.7.1988 (Annexure A/3) be ordered to be assigned to the applicants. The applicants had also prayed alternatively that the respondents be directed to consider and decide the representation made by the respondents within a reasonable period and then the seniority list be prepared afresh giving due seniority to the applicants in accordance with the rules and the law.

2. Notice of the OA was given to the respondents who have filed their reply. It is alleged by the respondents that the O.A. is time barred. It is also alleged by the respondents that at the relevant time all the employees were working on ad hoc basis when the seniority list dated 18.7.1988 was issued. Subsequently, employees were regularised with retrospective date and, therefore, list showing assignment of correct seniority was issued vide order dated 26.9.1995. The applicants have not been able to make out a case, the same deserves to be dismissed.

3. After submission of respondents reply, the case continued to be adjourned for one reason or the other.

4. It is alleged by the applicants that the applicants had submitted detailed representation to the authorities on 8.11.1995 but the representation was not decided by the authorities, therefore, the O.A. was filed to seek redress. The learned counsel for applicant has submitted that the representation is

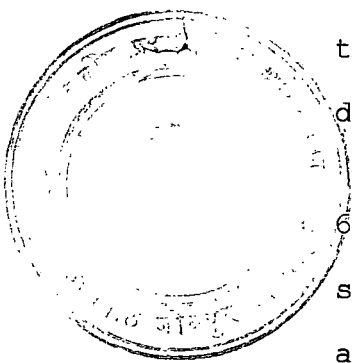
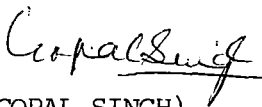



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still pending with the department. The learned counsel for official respondents has admitted that the representation of the applicants is still pending but at the same time, he also submits that in view of the order of the Tribunal passed in earlier O.A., the applicants are not entitled to any relief by the Tribunal in this O.A.

5. The learned counsel for the private respondents submitted that the O.A. is not maintainable and in view of the judgment they are not entitled to any relief. However, if the applicants want they can pursue the remedy of getting their representation disposed of by the authorities.

6. We have considered the rival arguments. As per the submission of the parties, it appears that representation of the applicants is still pending with the respondents in respect of seniority list issued by the respondents vide their letter dated 26.9.1995. Therefore, the O.A. is disposed of with the direction that the respondents may decide the representation of the applicants made in response to respondents letter dated 26.9.1995 inviting objections against the seniority list and the Notice for demand of justice dated 8.11.95 Annex.A/8 within a period of three months ^{if communication} from the date of this order. There is no order as to costs.



 (GOPAL SINGH)
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 (A.K. MISRA)
 Judl. Member

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Copy of order
sent to Counsel for
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vide no 323
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Part II and III destroyed
in my presence on 30.3.2006
under the supervision of
section officer (J) as per
order dated 28/2/2006

Section officer (Record),

A.D. attached
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