

In the Central Administrative Tribunal
Jodhpur Bench, Jodhpur

Date of order : 16.3.2000

O.A.NO. 237/1997

1. All India Non Scheduled Caste/Tribe Association (Rly) Rani Bazar, Near Gurdwara Rani Bazar, Bikaner, through its Working President Shri Jagdish Rai Agarwal, Retired Office Supdt., D.R.M.Office, Northern Railway, Bikaner.
2. Shri Nicklaw D' Sauza, Head Clerk, Personnel Branch, D.R.M.Office, Northern Railway, Bikaner.

3.Applicants
vs.

1. Union of India through its Chairman, Railway Board, Rail Bhawan, New Delhi.
2. General Manager, Northern Railway, Baroda House, New Delhi.
3. Divisional Railway Manager, Northern Railway, Bikaner.
4. Dy.Chief Mechanical Engineer (Workshop), Northern Railway, Lalgarh (Bikaner).
5. District Controller of Stores, Northern Railway, Jodhpur.

....Respondents.

Mr.S.N.Trivedi, Counsel for the applicants.
Mr.R.K.Soni, Counsel for the respondents.

C O R A M :

Hon'ble Mr.A.K.Misra, Judicial Member

Hon'ble Mr.Gopal Singh, Administrative Member

O R D E R

(Per Mr.A.K.Misra,J.M.)

The Applicants have filed this O.A. with the prayer that the order dated 10.7.97 (Annex.A/1) passed by the respondent No. 3 and similar orders issued to other Members of the Association on their representation, be ~~also~~ quashed and the respondents be directed to re-consider the representations of the Members of the

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Association and pass a reasoned order relating to the facts as mentioned in the representations.

2. Notice of the O.A. was given to the respondents who have filed their reply.

3. We have heard the learned counsel for the parties and have gone through the case file.

4. From the facts of the case, it appears that the applicants' Association had earlier challenged the validity of Circulars regarding assignment of seniority of Scheduled Caste/Scheduled Tribe employees vis-a-vis general caste employees, issued by the respondents as per the judicial pronouncements of various Courts and that of Hon'ble the Supreme Court. That O.A. was disposed of by the Tribunal vide its order dated 23.7.96 (Annex.A/2) with a direction that the Members of the applicants' Association should make fresh representations for redressal of their grievances in respect of matter of their seniority and promotion, within a period of two months. If the representations are made by the Members within the aforesaid period, the same shall be considered by the respondents and fresh decision be taken in respect of such representations in terms of the directions given by Hon'ble the Supreme Court in cases of R.K.Sabharwal, Virpal Singh Chauhan and Ajit Singh Januja, within a period of six months from the date of receipt of representations from the applicants. If the applicants are aggrieved by any such decision taken on their representation, they shall be at liberty to file fresh O.As.

5. The respondent No. 3 after considering the representations of the Member of the applicants' Association passed order

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Annex A/l which is said to be similar in respect of other representations. The applicants Association has filed the present O.A. on the ground that orders disposing of the representations of the Members are result of non application of mind and the grounds as mentioned in the representations have not been considered and disposed of as was expected of them.

6. In reply the respondents have stated that the representations of the Members of the applicant Association were disposed of keeping in view the headquarters instructions issued on the basis of judgments of the Hon'ble Supreme Court. Looking to the facts of each representation the principles as laid down by Hon'ble the Supreme Court were followed. Simply because the order is in cyclostyled manner, it cannot be said to be a result of non application of mind and mechanical disposal of representations. The O.A. is devoid of any force.

7 Considering the rival contentions, we are of the opinion that in matters of seniority, ~~and~~ placement of an individual at a particular place, is a question of fact covering each case separately. In view of the principles laid down by Hon'ble the Supreme Court which applicant had regained the seniority and which applicant is required to be placed at a particular place is a question which requires separate consideration as per the facts relating to his claim. In such matters, the Association cannot have any locus standi. The Association can only be permitted to highlight the grievance of its Members in general and can claim application of some circular or direction uniformly to all its Members and nothing beyond it. The applicants Association cannot be permitted to sponsor the cause of an individual for his placement at a particular place in the revised seniority. If the

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Association is permitted to raise such disputes, then probably the cause would never come to an end. In the instant case when the Association had represented the cause of its Members earlier, direction as narrated above, was given to the respondents. Therefore, individual Member aggrieved of the decision of the respondent No. 3 was to file a separate O.A. against the order disposing of his representation. The matters relating to placement of an individual at a particular place in the seniority list are personal grievances which cannot be represented by the Association.

8. It is also submitted by the respondents that action is being taken to revise the seniority list in terms of the directions given by the Hon'ble Supreme Court from time to time. That means the exercise relating to fixation of seniority and placement of an individual at a particular place in the seniority list is still going on and has not attained finality, therefore, it cannot be said that the individual Member of the applicant Association has a reason to seek redressal of his grievance before this Tribunal including the applicant No.2. Hence, the claim of the present applicants is premature as discussed above.

9. In our opinion, the present application is not maintainable by the Association in the representative capacity looking to the matter of individual seniority and grievance relating thereto. The present application is premature also as the revision of seniority has not taken a final shape.

10. In view of the above, the O.A. deserves to be dismissed at the admission stage and is hereby dismissed. No orders as to cost.

Gopal Singh
(GOPAL SINGH)
Adm. Member

AM 16/3/2000
(A.K.MISRA)
Judl. Member

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Re 27/12/66
(R.K. Sircar
P.M.D.)
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Part II and III destroyed
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Section Officer (Recd.) as per
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Section officer (Recd.)