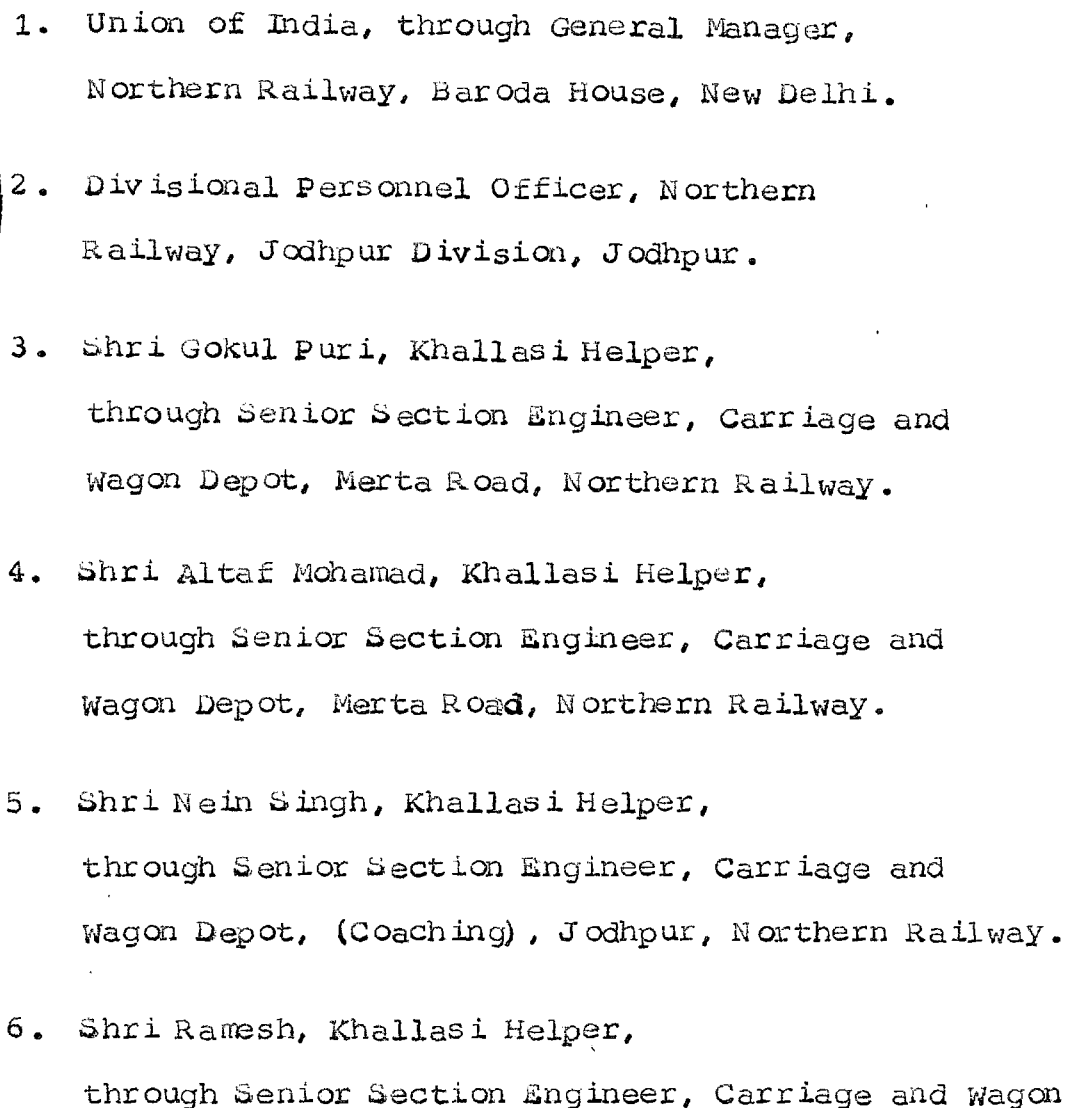


OA No. 212/99

1. Jabar Chand son of Sh. Chhoga Ram aged 39 years working as Khallasī Helper.
2. Babu Lal son of Sh. Tikam aged 41 years working as Khallasī Helper.
3. Ram Rattan son of Labu Ram aged 43 years working as Khallasī Helper.
4. Harun son of Sh. Kip̄hayat aged 43 years working as Khallasī Helper.

...APPLICANTS

VERSUS



Depot (Coaching) , Jodhpur , Northern Railway.

RESPONDENTS.

.....

Mr. J.K. Kaushik, Counsel for the applicant.

Mr. S.A. Vyas , Counsel for the respondents No.1 & 2.

Mr. S.K. Malik, Counsel for the respondents No.3 & 4

None present for the respondents No.5 & 6.

CORAM

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman.

Hon'ble Mr. A.P. Nagrath, Administrative Member.

.....

ORDER

(per Hon'ble Mr. Justice B.S. Raikote)

The applicants have challenged the impugned seniority list vide Annexure A/1 dated 21.7.99 by which the seniority list of Khalasi Helper dated 29.1.98 in the Grade Rs.750-940 is modified by assigning the seniority of the respondents over and above the applicants. The case of the department is that the private respondents were transferred from Gang Man to Khalasi in Mechanical Wing under 10% intake quota, and 50% of their such services as Gangman was not considered while preparing the seniority list which was issued on 29.1.93, and it is on the objection of the private respondents No.3 to 6, the impugned order vide Annexure A/1 is issued. But the contention of the applicants is that the private respondents are not entitled for counting of such services. The learned counsel for the applicants submits that the impugned order vide Annexure A/1 has been issued without any prior notice to the applicants.

2. The fact that no prior notice was issued to the applicants before issuing the impugned order, is not denied by the official respondents. The impugned order vide Annexure A/1 will have

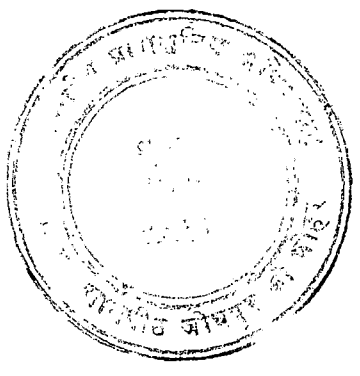
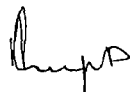
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civil consequences in the sense that the rights of the applicants would be effected on the basis of the seniority list vide Annexure A/1. In these circumstances, we agree with the contention of the learned counsel for the applicants that the impugned order vide Annexure A/1 is contrary to the principles of natural justice. Whatever the objections the applicants may have required to be considered by the department. Without expressing any opinion on the merits of the seniority, we think it appropriate to pass the order as under:-

"The impugned order Annexure A/1 is quashed. The respondents are directed to issue show cause notice to the applicant and to the other persons similarly situated and thereafter, consider the case of the applicants and the private respondents, by passing a fresh order.

Vide interim order dated 12.8.99 of this Tribunal, the respondents were directed to keep the result of the Trade Test for the post of Fitter Grade-III of both the applicants and the respondents in the sealed cover. The said sealed cover shall be opened after an order is passed after considering the objections, if any, submitted by the applicants and other persons and thereafter, appropriate order be passed by the department. If the applicants are aggrieved by the same, they will be at liberty to approach this Tribunal ^{by} filing a fresh OA.

OA is disposed of accordingly. No costs."

(A.P. Nagrath)
Adm. Member



(Justice B.S. Raikote)
Vice Chairman

Received
J.K. Cause
25/7/2001

Received
for 26/7

P. Cooper
26/7

Part II and III destroyed
in my presence on 16.2.07
under the supervision of
section officer as per
order dated 13/3/07
Nanm
Section officer (Record)