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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR EBNCH : JODHPUR

Date of Decision : 10.12.2001

O.A. No. 337/2001.

1. All India Guards Council through its Divisional Secretary Arun Kumar Vaidya S/o Shri Krishan Kumar, aged 53 years, Guard (Mail) R/o I/E-249, J.N. vyas Colony, Bikaner.
2. Santosh Kumar Vyas S/o Shri Fateh Raj Vyas, Aged 46 years, Guard (Goods), R/o Q. No. 173/D, New Railway Colony, Lalgarh, Bikaner.
3. Altaf S/o Shri Ibrahim Kaji, aged 45 years, Guard (Goods), R/o Q.No. t/28F Railway Colony, Near Railway Platform No. 1, Bikaner.

... APPLICANTS.

v e r s u s

1. General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Bikaner Division, Bikaner.
3. Divisional Personnel Officer, Northern Railway, Bikaner Division, Bikaner.
4. Shri amar Singh, Guard (Goods), Northern Railway, Suratgarh (Rajasthan).
5. Shri Narain Dass Vohra, Guard (Goods), Northern Railway, Suratgarh (Rajasthan).

Service upon S/Shri Amar Singh and Narain Dass Vohra is to be made through Respondents No. 3.

... RESONDENTS.

Mr. Y. K. Sharma counsel for the Applicants.

CORAM

Hon'ble Mr. Justice O.P. garg, Vice Chairman.

Hon'ble Mr. Gopal Singh, Administrative Member.

: O R D E R :

(per Hon'ble Mr. Justice O.P. Garg)

The question of determination of seniority of Guards (goods), consequent upon re-deployment of certain employees, is under consideration of the respondents department. The respondents have issued a

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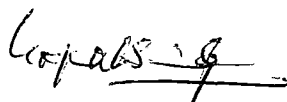
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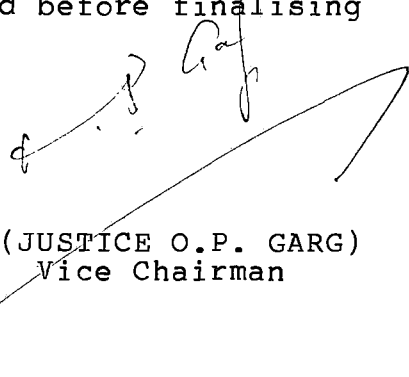
letter dated 19.09.2001 (Annexure A-1) inviting objections against proposed determination of inter se seniority. At this stage the applicants have approached this Court by moving this Original Application under Section 19 of the Administrative Tribunals Act, 1985.

2. Heard Shri Y.K. Sharma, Learned counsel for the applicants at some length.

3. We find that the present OA is premature and is based on certain unfounded apprehensions entertained by the applicants. The impugned letter (Annexure A-1), itself provides that the concerned aggrieved persons, if any, may make a representation against the proposed list of seniority. The applicants have stated that they have made representations but no orders have yet been passed. It is expected that the departmental authorities shall finalise the seniority list after taking into consideration the representation received from the various employees of the associations.

4. The OA being premature is dismissed. However, it is directed that the pending representations, if any, of the Association or the employees pursuant to the letter dated 19.09.2001 shall be considered and decided by the authorities concerned before finalising the seniority list.



(GOPAL SINGH)
Adm. Member


(JUSTICE O.P. GARG)
Vice Chairman

copy strong argument of emt
 sent to R1 to R5 Wm
 per 558 to 562
 Jr 31/72/01

AD Received
 from R1, 3, 24 & others
 R2, R5
 Mr
 12/1/02

Part II and III destroyed
 in my presence on 28-5-07
 under the supervision of
 section officer (1) as per
 order dated 13/3/02

Section officer (Records)
 [Signature]