

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 29/Jodhpur/2013

Jodhpur, this the 21st day of August, 2015

CORAM

**Hon'ble Ms. Meenakshi Hooja, Administrative Member
Hon'ble Mr. Arvind Jayram Rohee, Judicial Member**

1. Vijay Kumar Sharma S/o Shri Ram Awtar, aged about 36 years, at present employed on the post of Safaiwala in the officer Divisional Hospital, Lalgarh, NWR, Bikaner.
2. Mohd. Sultan S/o Shri Shafi Mohammad, abed about 41 years, at present employed on the post of Safaiwala in the officer Divisional Hospital, Lalgarh, NWR, Bikaner.
3. Smt. Reshma Devi D/o Shri Mithoo Ram, aged about 48 years, at present employed on the post of Safaiwala in the Officer Dictional Hospital, Lalgarh, NWR, Bikaner.

Address for correspondence:

C/o Vijay Kumar Sharma R/o Railway Quarter No.180-B, New Railway Colony, Lalgarh, Bikaner.

.....Applicant

By Advocate: Mr. J.K. Mishra.

Versus

1. Union of India through the General Manager, HQ Office, North-Western Railway, Malviya Nagar, Near Jawahar Circle, Jaipur-17.
2. Divisional Personnel Officer, North Western Railway, Bikaner Division, Bikaner.
3. Chief Medical Superintendent, North Western Railway, Lalgarh,

4. Smt. Darshana W/o Shri Surjeet Singh, Hospital Attendant, in the office of Senior Medical Officer, Bikaner, NWR.
5. Smt. Ramesh W/o Shri Balbir Singh, Hospital Attendant, in the office of Senior Medical Officer, Bikaner. NWR.

.....Respondents

By Advocate : Mr. Girish Sankhla, counsel for respondents No.1 to 3.
None present for respondents No.4&5.

ORDER (Oral)

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunal for seeking the following reliefs:-

- (i) *That the applicant may be permitted to pursue this joint application on behalf of three applicants under Rule 4 (5) of CAT Procedure Rule, 1987.*
- (ii) *That impugned order dated 16.01.2013 (Annexure-A/1) may be declared illegal and the same may be quashed qua the applicants and the official respondents may be directed to absorb/redeploy the applicant as per their option and seniority and prior to the date of absorption of their juniors i.e. respondents No.4 and 5 and they may be allowed with all consequential benefits.*
- (iii) *That the official respondents may be directed to keep the relevant records including the file containing the noting in original, whereby the decision has been taken to absorb the applicant on the post of Khallasi in Sanitary Department.*
- (iv) *That any other directions, or orders may be passed in favour of the applicant, which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.”*

2. Heard both the parties. Counsel for the applicants submitted that in reply filed by the respondents No.1 to 3 at para No.1 (page 49) the following proposals have been given:-

“It is further relevant to mention here that, due to retirement and transfer of some employees such as Hospital Attendant, Anti-Malaria Khallasi and Medical Safaiwalas from Medical Department, some post have been vacant and consequently the present applicant are being proposed to adjust in the following

Sr. No.	Name of Employees	Present Name of Post/ Station	Post on which absorption/ Station
1.	Mohd. Sultan	Surplus Medical Safaiwala PB 5200-22200- GP 1800	Hospital Attendant Lalgarh PB 5200-22200- GP 1800
2.	Smt. Reshma Devi	Surplus Medical Safaiwala PB 5200-22200 - GP 1800	Hospital Attendant Bikaner PB 5200-22200- GP 1800
3.	Vijay Kumar	Surplus Medical Safaiwala PB 5200-22200 - GP 1800	Hospital Attendant Sirsha PB 5200-22200 - GP 1800

3. Counsel for the applicants submits that if the respondents agree to act upon these proposals as mentioned in their reply then the relief sought for by the applicants will be substantially met. Counsel for the applicants further submits that since the respondents No.4 & 5 have been absorbed prior to the applicants and the applicants claim to be senior to them, the question of seniority may be kept open.

4. Counsel for the respondents submits that respondents have also issued a letter dated 15.09.2013 in this regard and these proposals have been mentioned by the respondents in their reply dated 17.10.2013. The letter dated 15.09.2013 submitted by the counsel for the respondents today is taken on record.

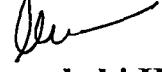
5. In view of the submissions made by the counsels for both the parties and looking to the entire facts and circumstances of case, as the main relief sought for by the applicants has already been met, it is considered appropriate to dispose of this OA at this stage itself with certain directions. Accordingly, the respondents are directed to issue orders at the earliest

proposed in the letter dated 15.09.2013 and mentioned in para 1 of the reply, quoted above. As far as the question of seniority is concerned, the applicants would be at liberty to approach the respondent authorities in that regard.

The OA is thus disposed of as above with no order as to costs.



[Arvind Jayram Rohee]
Judicial Member



[Meenakshi Hooja]
Administrative Member

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25/7/15

25/8/15