

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 480 of 1993.

DATE OF DECISION 22-3-1993.

C. S. Mohanan Nair & others Applicant (s)

Mr P Sivan Pillai Advocate for the Applicant (s)

The Chief Engineer (Construction)
Southern Railway, Madras-8 Respondent (s)
and others.

Mr Thomas Mathew Nellimoottil, Advocate for the Respondent (s)
ACGSC

CORAM:

The Hon'ble Mr. N. Dharmadan, Judicial Member
and

The Hon'ble Mr. R. Rangarajan, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. To be circulated to all Benches of the Tribunal? *no*

JUDGEMENT

Shri N Dharmadan, J.M

The applicants have approached this Tribunal for the second time for getting seniority as on 1.4.85. Earlier also the applicant approached this Tribunal for getting *seniority and 4* re-employment by filing OA K 58/87 which was disposed of by judgment dated 15.2.89 at Annexure A1 directing the respondents that the applicants therein should be re-engaged strictly on the basis of the Divisional seniority list prepared in implementation of the judgment of the Supreme Court in Inder Pal Yadav's case. Since that judgment has not been implemented, we have passed another order at Annexure A3 compelling to implement the above judgment or face contempt proceeding. Accordingly, they have

been re-engaged with effect from March, 1992. Their names were also included in the seniority list at Annexure A5 dated 30.6.91. According to the applicants, they ^{have not been by} ~~are being~~ given seniority on the basis of the claim made by the applicants and hence they filed a joint application before the Chief Engineer (Construction), Madras dated 4.7.92 at Annexure-A6. That representation has not been disposed of so far. Hence they filed this application under Section 19 of the Administrative Tribunals Act of 1985 with the following prayers.

- "(a) To direct the respondents to maintain status quo ante the seniority position of the applicants as on 1.4.85, vis a vis with all their juniors as on that date, in the seniority list at Annexure A5 with all consequential benefits like continuity of service regularisation etc. on par with the first junior so re-engaged or retained in service after the retrenchment of the applicants.
- (b) To issue such other orders or directions as deemed fit and necessary by this Hon'ble Tribunal in the facts and circumstances of this case."

They have also filed MP 560/93 for ^{permitting to} ~~providing~~ them to prosecute the matter jointly. Since all of them are having the same grievance, we heard the counsel of both sides in regard to the MP ^{and allowed this MP.} ~~and allowed this MP.~~

2. We have also heard the learned counsel for the respondents. It is seen from Annexure A4 letter dated 26.10.90 that ~~joint~~ ^{by} joint representation was made by the applicants for grant of seniority and extend them the service benefits. The applicants submitted that juniors to them had been given higher position in the seniority list and it has not been finalised so far.

3 However, having heard the counsel for both sides, we are satisfied that this application can be disposed of directing Respondent-1 to consider the Annexure A6 which has been filed and stated to be pending. Accordingly, we direct Respondent-1 to consider and dispose of the same in accordance with law within a period of three months from the date of receipt of a copy of this judgment.

4 There will be no order as to costs.



(R Rangarajan)
Administrative Member



(N Dharmadan)
Judicial Member

22.3.93

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