

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 345 of 1993  
and O.A. 414 of 1993

DATE OF DECISION 18.3.93

Mohan Kumar and two others - Applicants in O.A. 345/93  
V. Balasubramanian and 5 others Applicant(s) in O.A. 414/93

Mr. Majnu Komath

Advocate for the Applicant(s)

in both cases

Versus

Union of India rep. by Chairman Respondent(s)  
Railway Board and others

Mr. PA Mohammed th. proxy

Advocate for the Respondent(s)

Mr. Thomas Mathew Nellimootil - in O.A. 414/93

in O.A.  
345/93

CORAM :

The Hon'ble Mr. S.P. Mukerji, Vice Chairman

and

The Hon'ble Mr. A.V. Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
2. To be referred to the Reporter or not? N
3. Whether their Lordships wish to see the fair copy of the Judgement? N
4. To be circulated to all Benches of the Tribunal? N

## JUDGEMENT

(Hon'ble Mr. S.P. Mukerji, Vice Chairman)

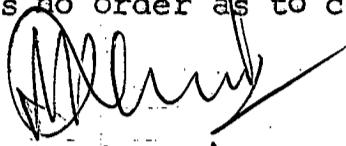
We have heard the learned counsel for both the parties on these two applications together as common questions of law, facts and reliefs are involved. The learned counsel for the applicants in both the cases agreed that in view of the recent decision of the Hon'ble Supreme Court in Indra Sawhney and others etc. etc. etc. etc. JT 1992(6) S.C. 273, Vs. UOI & others, he would not press for the second relief regarding application of 40 point roster to posts instead of vacancies. Regarding Seniority List of

Commercial Clerks the learned counsel for the respondents on instructions from the respondents indicated that this Seniority List is still provisional and is under the process of finalisation after consideration of the objections raised by all concerned including the applicants in these applications. The learned counsel for the respondents assures us that the finalisation will be done as expeditiously as possible and any promotion made on the basis of the provisional Seniority List will be provisional and subject to the final Seniority List and each promotee shall be informed accordingly.

2. In the above light the learned counsel for the applicant agreed to this dispensation.

3. Accordingly allowing M.P. for joint application we admit these applications and dispose of them with the direction to the respondents to finalise the provisional Seniority List at Annexure-I (O.A. 414/93) and IA and IB (O.A. 345/93) in accordance with law and after taking into account the objections raised by the applicants before us and others, as expeditiously as possible and at any rate within a period of three months from the date of receipt of a copy of this judgment. The applicants before us will be at

liberty to move appropriate legal forum, if so advised and in accordance with law, in case they feel aggrieved by the outcome of the finalisation of the Seniority List. There is no order as to costs.

  
(A.V. Haridasan)  
Judicial Member

  
18.3.93  
(S.P. Mukerji)  
Vice Chairman

18.3.93

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