

X/14

FINAL ORDER

CENTRAL ADMINISTRATIVE TRIBUNAL: LUCKNOW BENCH

Wednesday the 17th day of May 2000 (17-5-2000)

PRESENT

The Hon'ble Shri D.V.R.S.G.DATTATREYULU, MEMBER(J)
and

The Hon'ble Shri S.MANICKAVASAGAM, MEMBER(A)

O.A.No. 197 of 1991

1.Mahesh Chand
2.Satya Narain
3.Ramesh Chand .. Applicants

Vs.

1.Union of India through the General
Manager, Northern Railway, Baroda House, New Delhi
2.The Dy.Chief Electrical Engineer(W)
Northern Railway, Charbagh, Lucknow .. Respondents

Mr.A.Moin .. Advocate for the applicants

Mr.Anil Srivastava .. Advocate for the respondents

Order:Pronounced by the Hon'ble Shri S.MANICKAVASAGAM
MEMBER(A)

This order may be read in consonance with the order pronounced in OA No.377/93 on 16.5.2000.

2. The applicants in this OA claimx that their cases are similar to that of the applicants in OA No.377/96 and therefore they want similar treatment in the matter relating to seniority, promotion to higher grades and fixation of their pay etc.

3. The respondents have filed a detailed reply resisting the claim of the applicants. Therein they have brought out three points to distinguish the present OA with that of OA No.377/96. Firstly the respondents would contend that the present applicants did not consider it proper to agitate their grievances, if any, at the relevant point of time as has been done in the case of the applicants in OA No.377/96. Secondly the present applicants were not also parties in any of the earlier proceedings as agitated by the applicants in their OA No.377/93. Further the applicants have chosen to agitate this matter after a long lapse of time which is hit by serious laches and therefore barred by time.

4. In addition to the above, the respondents have stated that there is a major difference in the case of the applicants in OA No.377/96 vis-a-vis the present OA. The applicants in OA 377/96 were terminated from service. Further they the applicants in OA No.377/93 did not accept the post of Khalasis and they were taken back into service after Court orders. On the contrary, in the instant case the applicants had accepted the post of Khalasis after working for some time as skilled artisans and this makes all the difference in both these cases.

5. The reply further proceeds to state that the matter

is taken up by the unions and is under consideration by the Headquarters office at Delhi - vide paras 14 and 15 of reply.

6. We have heard the counsel for both sides and perused the records.

7. On a careful consideration of the rival pleadings it emerges that the subject matter is said to be under active consideration by the appropriate authorities and therefore we do not want to precipitate the matter by issuing any ~~order~~ directions at this stage. Suffice it to mention that we have already decided OA No.377/96 on 16.5.2000 and we hope that the respondents would take into consideration the observations made in OA No.377/96, while taking a decision in respect of the applicants in this OA since the respondents have stated that they have not decided the case of the applicants in this OA and that the same is still under consideration.

8. Ordered accordingly.

9. There will be no order as to costs.

S. Manickavasagam

(S. MANICKAVASAGAM)

MEMBER (A)

D. V. R. S. G. DATIATREYULU

MEMBER (J)

17.5.2000

nks: