

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NOS:49/1999
50/1999 AND 52/1999
DATED THE 25TH DAY OF OCT,2002

CORAM:HON'BLE SHRI S.L.JAIN, MEMBER(J)
HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)

Shri Fazal Khudad Khan
Aged 50 years, Maintainer,
Grade-I under D.E.E.(TD) Kurla,
residing at Ashok Nagar,
Masjid Chawl, Kalyan Depot,
Kalyan, District Thane.

... Applicant in OA No.
49/1999

Shri U.B.Langade,
Aged 42 years, Maintainer Grade-I,
under D.E.E.(TD) Kurla and
residing at Kashinath Pawshe Chawl,
Katemanewali, Near Old Vithal Mandir,
Room No.1, Kalyan(E) Dt. Thane

... Applicant in OA No.
50/1999

Shri Sushil Prasad Lalji,
Aged 51 years, Master Craftsman,
under D.E.E.(TD) Kurla and
residing at Panchavati Colony,
Chawl No.1, Room No.8,
Vithalwadi, Dist Thane.

... Applicant in OA No.
52/1999

By Advocate Shri L.M.Nerlekar

V/s.

1. Union of India,
(Through Central Railway),
D.R.M., C.S.T., Mumbai.
2. Divisional Electrical Engineer,
(TD) Central Railway, Kurla.
3. Shri Gautam Bhiva,
Maintainer Grade-I,
under D.E.E., (TD) Kurla.
4. Shri C.T.Mathai,
Maintainer Grade-I,
under D.E.E.(TD), Kurla.
5. Shri A.G.Ghogale,
Maintainer Grade-I,
under D.E.E. (TD), Kalyan

:2:

6. Shri Bhanudas Jagannath,
Maintainer Grade-I,
under D.E.E., (TD), Kurla
under D.E.E. (TD), Kalyan
7. Shri Ramkaran R Yadav,
Maintainer Grade-I,
under D.E.E. (TD), Kurla. ... Respondents in three OA
Nos.49/99, 50/99 & 52/99

By Advocate Shri Suresh Kumar

(ORAL)(ORDER)

Per Shri S.L.Jain, Member(J)

This is an application under section 19 of the Administrative Tribunals Act 1985 for the declaration that the seniority list published vide letter dated 13/5/1997 (Exhibit A), is incorrect, be treated as cancelled with direction to the respondents to recast the seniority of the applicant in accordance with the directions of the Tribunal in OA Nos.755/1991 and 302/1992. They have further sought the declaration to the effect that the applicants who have qualified in the written test and appeared for viva voce shall be interpolated in the list of Chargeman 'B' at appropriate place in the panel published on 9/10/1991 with consequential proforma fixation of pay and arrears, of wages and allowances.

2. Applicants have stated that they have submitted a representation dated 26/6/1997 to the respondents through proper channel, though the same has been denied by the respondents. A xerox copy of the representation is placed on record which bears the signature of the Head Clerk receiving the same on 26/6/1997 alongwith the seal of the office. We are satisfied that the respondents have received the representation which they

:3:

have failed to decide.

3. When a particular date for receiving the representation is fixed by the respondents, and if no representation is received by the respondents are supposed to pass an order that no representation is received within the stipulated period as such the list which is circulated becomes final. The respondents have also failed to act accordingly.

4. In the circumstances, we are disposing all these OAs with the direction to the respondents to decide the representation submitted by the applicants and further detailed representations if any submitted within two months from today, within three months of the receipt of said representation by a speaking order. If the applicants have any grievance, they can agitate the matter in accordance with law.

(SMT.SHANTA SHASTRY)
MEMBER(A)

(S.L.JAIN)
MEMBER(j)

abp