

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NOS:51/1999
53/1999 AND 54/1999
DATED THE 25TH DAY OF OCT,2002

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

Shri Dyaneshwar Devnath Nagpure,
Aged 50 years, Master Craftsman,
under D.E.E.,(TD) Kurla and
residing at Jai Maharashtra Society,
Room No.5, Saraswati Niwas,
Pratap Nagar Road, Bhandup,
Mumbai - 400 078.

... Applicant in OA No.
51/1999

Shri Bhaskar Mahadeo Undakule,
Aged 33 years, Master Craftsman,
under D.E.E.(TD) Kurla and
residing at Chawl behind Hindustan
Factory, Near Geeta Colony,t),
Ulhasnagar No.4, Dt. Thane

... Applicant in OA No.
53/1999

Shri Gundu Ramloo Achaiah,
Aged 51 years, Master Craftsman,
under D.E.E.(TD) Kurla and
residing at C/o.Ram Raksha,
MS/.RB/1/111/9, Central Railway,
Kurla (East), Mumbai - 400 024.

... Applicant in OA No.
54/1999

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

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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 both
OA Nos.51/99, 53/99
and d54/99.

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. We have heard the learned counsel for parties. On perusal of the seniority list, applicant Shri Nagpure (applicant in OA no.51/99) is listed in the seniority list at Serial No.51, Shri B.M.Undakule (applicant in OA no.53/99) is listed in the seniority at Serial No.46 and Shri Gundu Ramloo Achaiah (applicant in OA no.54/99) is listed in the seniority list at Serial No.30 while the respondents No.3 to 7 are listed at

Serial Nos. 55, 56, 60, 57 and 58 respectively. As such the applicnats are shown senior to the private respondents. Therefore the applicants cannot have any grievance against the said respondents.

3. The counsel for the applicant submits that his prayer be restricted to para 8(c) which is reproduced below:-

On recasting the seniority the applicant who has 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 dated 9/10/1991.

3. The applicants are at liberty to submit representations regarding the same to the respondents within a period of one month from today and the respondents shall decide the same by a speaking order. If the applicants have any grievance thereafter, they are at liberty to agitate the matter in accordance with law. OA stands disposed of. No orders as to costs.

(SMT. SHANTA SHASTRY)
MEMBER(A)

(S.L. JAIN)
MEMBER(J)

abp