

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.572/2000

Dated Friday this the 13th Day of October, 2000

Coram : Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Smt. Shanta Shastray, Member (A).

1. Dyaneshwar S. Gavas,
R/o No.3/18, Ganesh Nagar,
Behrambaug, Jogeshwar (W),
Mumbai.
2. Dharmaraj N. Jaiswar,
R/o Kartar Singh Punjabi Chawl,
Room No.10, Jawahar Nagar,
Khar (E), Mumbai.
3. Onil J. Gomes,
R/o 117-A, Village Ward 'B',
Old Kurla, Mumbai.
4. Rajan C.
R/o Kamraj Chawl, R.No.1,
Bambrekar Nagar, Charkop,
Kandivali (W), Mumbai.
5. Kamalakar R. Kore,
R/o Masoom Apartment,
201-A, 2nd Floor, Bazar Ward,
Fulpada Road, Virar (E),
Tal. Vasai, Dist. Thane.
6. Vilas Y. Kadam,
R/o Vighnaharta Chawl,
Near Rane Chawl, Anand Nagar,
Appapada, Malad (E),
Mumbai.
7. Chandrapal D. Verma,
R/o Adarsh Avadh Nagar,
Parkhadpada, Aacholi, Dongri,
Nalasopara (E), Dist. Thane.
8. Kanhaiyalal S. Idlani
R/o 104, First Floor, Shanti
Jain Tower, Veer Savarkar Nagar,
Vasai (W), Dist. Thane.
9. Mainuddin H. Mukadam,
R/o 94/F/37, Madhav Bhavan,
Parsi Chawl, N.M. Joshi Marg,
Mumbai.

.. Applicant.

(By Shri R.D. Deharia, Advocate)

Versus

1. Union of India,
through the General Manager,
Western Railway, Churchgate,
Mumbai.
2. The Divisional Railway Manager,
Western Railway,
Bombay Central, Mumbai.
3. Senior Divisional Electrical
Engineer (RS), E.M.U. Carshed,
Western Railway, Bombay Central,
Mumbai.
4. Shri Kumar Hari Davne,
Khalasi Helper, Electrical Unit,
C/o. Senior Divisional Electrical
Engineer (RS) E.M.U., Carshed
Western Railway, Bombay Central,
Mumbai.
5. Shri Harilal Ramaotar,
Khalasi-Helper, Electrical Unit,
C/o. Sr.Divisional Electrical
Engineer (RS), E.M.U. Carshed
Western Railway, Bombay Central,
Mumbai.
6. Shri Ramjanam S. Sharma,
Khalasi-Helper, Electrical Unit,
C/o. Sr.Divisional Electrical
Engineer (RS), E.M.U. Carshed,
Western Railway, Bombay Central,
Mumbai.
7. Shri D. Kulshikaran,
Khalasi-Helper, Electrical Unit,
C/o. Sr.Divisional Electrical
Engineer (RS), E.M.U. Carshed,
Western Railway, Bombay Central,
Mumbai.
8. Shri Lalsahab Rammurat,
Khalasi-Helper, Electrical Unit,
C/o. Sr.Divisional Electrical
Engineer (RS), E.M.U. Carshed,
Western Railway, Bombay Central,
Mumbai.
9. Shri Banwariram B.
Khalasi-Helper, Electrical Unit,
C/o. Sr.Divisional Electrical
Engineer (RS), E.M.U. Carshed,
Western Railway, Bombay Central,
Mumbai.



10. Shri Anand Patil,
Khalasi-Helper, Electrical Unit,
C/o. Sr.Divisional Electrical
Engineer (RS), E.M.U. Carshed,
Western Railway, Bombay Central,
Mumbai.
11. Shri Laxman H. Patil,
Khalasi-Helper,
Electrical Unit,
C/o. Senior Divisional Electrical
Engineer (RS), EMU Carshed,
Western Railway, Bombay Central,
Mumbai.
12. Shri Laxman R. Pasi,
Khalasi-Helper,
Electrical Unit,
C/o. Sr.Divisional Electrical
Engineer (RS), EMU Carshed,
Western Railway, Bombay Central,
Mumbai.
13. Shri Vivek Joshi,
Khalasi-Helper,
Electrical Unit,
C/o.Sr.Divisional Electrical
Engineer (RS), EMU Carshed,
Western Railway, Bombay Central,
Mumbai.
14. Shri Arun Sakharam,
Khalasi-Helper, Electrical Unit,
C/o. Sr.Divisional Electrical
Engineer (RS), E.M.U. Carshed,
Western Railway, Bombay Central,
Mumbai.
15. Shri Denis P. Lamos,
Khalasi-Helper,
Electrical Unit,
C/o. Senior Divisional Electrical
Engineer (RS), EMU Carshed,
Western Railway, Bombay Central,
Mumbai.
16. Shri Ajay M. Patil,
Khalasi-Helper,
Electrical Unit,
C/o. Sr.Divisional Electrical
Engineer (RS), EMU Carshed,
Western Railway, Bombay Central,
Mumbai.
17. Shri Jagdish M. Mistry,
Khalasi-Helper,
Electrical Unit,
C/o.Sr.Divisional Electrical
Engineer (RS), EMU Carshed,
Western Railway, Bombay Central,
Mumbai.



18. Shri Hariram Prasad,
-Helper, Electrical Unit,
C/o. Sr.Divisional Electrical
Engineer (RS), E.M.U. Carshed,
Western Railway, Bombay Central,
Mumbai.

19. Shri Satyanarayan Shukla,
Khalasi-Helper,
Electrical Unit,
C/o. Senior Divisional Electrical
Engineer (RS), EMU Carshed,
Western Railway, Bombay Central,
Mumbai. .. Respondents.

(Shri V.S. Masurkar, Counsel for
Respondents 1 to 3. None for
Respondents 4 to 19).

O R D E R (Oral)

[Justice Ashok Agarwal]

M.P.No.774/2000 for condonation of delay is granted. Delay in filing the O.A. is condoned.

2. Applicants who are Group 'D' employees of the Western Railway have challenged the seniority lists prepared and published on 16.6.1998, 10.9.1999 and 27.9.1999 as being arbitrary and illegal. A direction is sought to prepare a seniority list covering both the disciplines of Khalasis working in Carriage and Electrical Units.

3. Heard Shri R.D. Deharia, the learned counsel appearing for the applicants and Shri V.S. Masurkar, the learned counsel appearing for Respondents No.1 to 3. On



application made by Shri Deharia, respondents No.4 to 19 are deleted.

4. In respect of the seniority lists which are impugned, this is what has been stated by and on behalf of the respondents:—

"9. With reference to paragraph 4.2 of the application, as per the decision taken in Joint Meeting of Both the Recognised Unions on 14th Sept, 1994, it has been unanimously decided for merger of Khalasis working in the Carriage and Electrical Units. That cut off date as 3rd August, 1990. Accordingly the seniority of Khalasis appointed after the cut off date is maintained separately and therefore the promotion also be made according to the decision taken in Joint Meeting after exhausting of 44 Helpers of both the Unions. Further the seniority of Electric Unit has also been published on 10.9.99".

5. Aforesaid averments, as we can fathom seek to imply that Khalasis, both working in the Carriage Unit as also working in the Electrical Unit have been sought to be merged. So far so good. However, what has been sought to be done thereafter is difficult to fathom. Similarly, how different seniority lists which are prepared are to be worked out for ^{the} purpose of granting promotions etc. is also difficult to fathom. The simplest way of merging the two units is to prepare a combined seniority list in respect of all Khalasis working in both the units. Such a seniority list be prepared without ~~offering~~ ^{fixing} any cut



off date as has been sought to done in the present case. The seniority list be prepared strictly on the basis of the date of joining of each of the Khalasis in both the units. We order accordingly. Aforesaid exercise be completed within a period of three months from the date of service of this order. It follows without saying that the trade test which had been held from 27th to 31st August, 2000 based on the impugned seniority lists will stand vitiated. After a provisional seniority list is prepared within the aforesated period of three months, and objections are invited thereto and a final seniority list is prepared, ^{after a} ~~therefore~~, the trade test based on the seniority list now to be prepared will be conducted.

6. Present OA in the circumstances is allowed in the aforesated terms. No costs.

Shanta Shastry
(Shanta Shastry)
Member (A)

Ashok Agarwal
(Ashok Agarwal)
Chairman

sns