

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

O. A. 555/2001.

Dated this Wednesday, the 10th day of October, 2001.

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J).

Hon'ble Shri B. N. Bahadur, Member (A).

Hari Om Dwivedi,
Traffic Costing Officer,
New Administrative Building,
C.S.T., Mumbai - 400 001.

...

Applicant.

(In Person)

VERSUS

1. Union of India through
The General Manager,
Central Railway,
Mumbai C.S.T. - 400 001.
2. Secretary to Ministry of
Railway, Rail Bhavan,
New Delhi.
3. Chief Personnel Officer
(Gazetted),
Central Railway,
Mumbai C.S.T.,
Mumbai - 400 001.
4. Chief Commercial Manager,
2nd floor, New Administrative
Bldg., Central Railway,
Mumbai CST, Mumbai - 400 001.
5. P. L. Khanna, SCM (Catg.),
Central Railway,
2nd floor, New Administrative
Building, Mumbai C.S.T.,
Mumbai - 400 001.

... Respondents.

(By Advocate Shri S. C. Dhawan)

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O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J).

Notice in this O.A. has been issued on 08.08.2001. However, Shri S.C. Dhawan, learned counsel for respondents, has sought some more time to file reply, which in the circumstances of the case, we do not consider is necessary. In the reply given by the respondents dated 27.04.2001 to the representation made by the applicant on 11.04.2001, no reasons have been given whatsoever by the respondents as to why the claim of the applicant for seniority has been rejected. It is on the basis of the claims allowed by the Tribunal in the order dated 14.07.2001 in P.L. Khanna V/s. Union of India & Another (O.A. 1018/95) that the applicant has submitted that he should also be allowed similar reliefs. Applicant has submitted that he is senior to Shri P.L. Khanna, applicant in O.A. 1018/95 as Assistant Catering Manager (A.C.M.). His claim is that as A.C.M. he has been placed senior to Shri P. L. Khanna, who has been granted certain benefits of seniority with consequential benefits, resulting from the aforesaid order of the Tribunal dated 14.07.2000. The applicant claims that he is similarly situated to Shri P. L. Khanna, which should be looked into by the respondents, in the light of the pronouncement of the Hon'ble Supreme Court on this issue.

2. While disposing of the applicant's representation dated 11.4.2001, we note that the respondents have given a very

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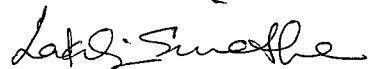
brief and non speaking order without disclosing any reason as to why the applicant's claim for similar treatment as Shri P. L. Khanna in O.A. 1018/95 has not been given to him in the post of A.C.M. (Catering). In the circumstances of the case, we consider it appropriate to dispose of the O.A. with the following directions to the respondents.

- (i) The respondents shall reconsider the applicant's representation along with the other grounds taken by him in this O.A. as part of his representation, in accordance with law, rules and instructions and dispose of the same by a reasoned and speaking order;
- (ii) In case any of the claims of the applicant is not being allowed, they shall do so by quoting the relevant rules and instructions they rely upon and pass a self contained order;
- (iii) The above directions shall be complied with by Respondent No. 3 within three months from the date of receipt of a copy of this order with intimation to the applicant.

No order as to costs.



(B. N. BAHADUR),
MEMBER (A).



(Smt. LAKSHMI SWAMINATHAN)
VICE-CHAIRMAN.

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M.P. No. 79/02
Filed by ~~App~~ Rspdt.
for extension of
time, fixed on
08/02/02.

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29/11

Dated: 8-2-2002 (12)

None for the applicant.
Shri S.C. Dhanan Counsel for the
respondents.

Shri Dhanan undertakes to inform
the ~~date~~ of next date of hearing.

List the case on 26.2.2002.

Recd.
(S. L. Jain)

m(5)

ds

B.S.
(B. D. Bahadur)
m(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

CONTEMPT PETITION NO.54/2003 IN
IN ORIGINAL APPLICATION NO:555/2001

1ST MAY, 2003

TRIBUNAL'S ORDER:

The applicant in person complains about the non implementation of the orders passed in the OA. The directions given in the OA were that the respondents shall re-consider the applicant's representation alongwith the other grounds taken by him in the OA as part of representation in accordance with law, rules and instructions and dispose of the same with a speaking order. Shri S.C.Dhawan, learned counsel for the respondents submit^d that the representation of the applicant has been reconsidered by the competent authority and has vide his order dated 1/2/2002 stated as under:-

"However, considering the similarity of your case with that of Shri B.V.Pathare and Shri P.L.Khanna and in view of implementation of Hon'ble Tribunal, Mumbai's orders in their favour for grant of seniority from date of adhoc posting as ACM (Catg), you are also assigned seniority counting your adhoc period of service. It is therefore proposed to fix your seniority below Shri B.V.Pathare who is at Sr.No.3 and above Shri P.L.Khanna who is at S.No.4 in the combined Group 'B' seniority list of Commercial & Traffic Departments issued on 17/9/2001, subject to condition that representation, if any received from the affected officers will be considered and the administration is satisfied that they have no claim whatsoever in this regard."

The applicant in person makes grievance that this order is not communicated to him. We direct Shri S.C.Dhawan to supply a copy of this order to the applicant, ^{and} ~~the~~ applicant also makes the grievance that the respondents have not acted upon the order and not given him the seniority as directed in the order. We expect that whatever decision is taken will be acted upon by the respondents at the ^{earliest} ~~earlier~~st. We do not find any contempt having

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been committed by the respondent as we find that the representation has been decided by the respondents. Whether it is acceptable or not ^{to the} ~~is not palatable and it is not acceptable to~~ the applicant, he cannot hold the respondents liable to contempt. We find that there is no merit in the CP. CP-54/2003 is disposed of.

Shankar Prasad
(SHANKAR PRASAD)
MEMBER(A)

A. S. Sanghvi
(A. S. SANGHVI)
MEMBER(J)

abp