

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 302/92

~~Transfer Application No:~~

DATE OF DECISION: 21-2-1995

Shri A.G. Ghogale & Ors. Petitioner

Shri G.D. Samant Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

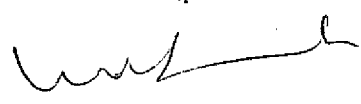
Shri J.G. Sawant Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M.S. Deshpande, Vice Chairman

The Hon'ble Shri M.R. Kolhatkar, Member (A).

1. To be referred to the Reporter or not ?
2. Whether it needs to be circulated to other Benches of the Tribunal ?


(M.S. Deshpande)
Vice Chairman

(6)

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. 302/92

Shri A.G. Ghogale & Ors. ... Applicants
v/s

Union of India & Ors. ... Respondents

CORAM:

- 1) Hon'ble Shri Justice M.S. Deshpande, Vice Chairman.
- 2) Hon'ble Shri M.R. Kolhatkar, Member (A).

APPEARANCE:

- 1) Shri G.D. Samant, Counsel for the Applicants
- 2) Shri J.G. Sawant, Counsel for the Respondents

ORAL JUDGMENT

DATED: 21-2-1995

(Per: Hon'ble Shri Justice M.S. Deshpande, Vice Chairman)

1. The Applicants have filed this Application challenging the Notification dated June 13 and June 28, 1991 (Annexure 'B') and the panel dated 9-10-1991 as bad in law, illegal and inoperative and seek a direction for holding a fresh selection for the post of Chargeman 'B' Grade 1400-2300 (RPS) according to the rules and procedure.

2. After hearing the matter, the learned counsel judgement in for the Applicant pointed out the O.A. No. 755/91 Shri Gautam Bhiva and Others v/s Union of India & Ors. to which one of us (Shri M.R. Kolhatkar) was a party,

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and wherein the issue of seniority came to be considered. In that O.A., Shri Gautam Bhiva and Others who belonged to the same category as Maintainer Gr. I had sought the following reliefs :-

- (a) It may be declared that the seniority list published under letter dated 15-11-1988 (Annexure 'B') is incorrect and should be treated as cancelled;
- (b) The Respondents be directed to recast the seniority list in accordance with the rules assigning correct position to the applicants from the date of their juniors were promoted as Maintainer Gr. II and Gr. I;
- (c) On recasting the seniority, the applicants who had qualified in the written test and appeared for viva voce should be interpolated in the list of selected candidates for the post of Chargeman 'B' at appropriate place in the panel published vide letter no. BB/P/314/ELD-OHE dated 9-10-1991 by the Respondent No. 3 (Annexure 'F');
- (d) The Respondents be directed to grant to the Applicants consequential proforma fixation of pay and arrears of pay and allowances.

By the judgement delivered on January 24, 1995, the reliefs prayed at para 8 (a), (b), (c) and (d) were granted and the Respondents were directed to recast the seniority list of Maintainer Grade-I within a period of /
from the date of the order. A direction was also made to the Respondents to restore the seniority of the

/three
months

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Applicants so far as the Maintainer Grade-I seniority list is concerned and keep them above their juniors who were junior in the Grade-II and accordingly the same seniority should be maintained in Grade-I.

3. Shri J.G. Sawant, the learned counsel for the Respondents stated that the Respondents would be bound by the judgement delivered in O.A. 755/91 and the seniority shall have to be revised. In that process, it will be necessary to invite the objections from all concerned to their seniority and the affected applicants will have an opportunity to make their representations with regard to their placement in the revised seniority and it may be therefore unnecessary to make a fresh direction in the present case. To be frank, it would not be possible for us to re-consider the matter once it has been decided by the other Bench. If the applicant's position in the revised seniority list becomes different from their position in the present seniority list and the assignment of marks would also be different based on marks which are to be assigned on the basis of seniority, the only direction that we need to make in the present case is that the Applicants' position with regard to examination held shall be re-assessed on the basis of seniority which is given in the revised seniority list as in the case of Applicants in the O.A. 755/91.

4. Shri Samant states that he does not press the other objections regarding the question papers and

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the examination process. We need not therefore say anything on that aspect. In view of the above direction, no order is to be passed. O.A. stands disposed of.

M.R. Kolhatkar

(M.R. Kolhatkar)
Member (A)

M.S. Deshpande

(M.S. Deshpande)
Vice Chairman

ssp.