

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO: 799/94

DATE OF DECISION: 5.10.1999

Shri M.K. Saini and others Applicant.

Shri G.K. Masand Advocate for
Applicant.

Versus

Union of India and others Respondents.

Shri Suresh Kumar Advocate for
Respondent(s)

CORAM

Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri Shri D.S.Baweja, Member (A)

(1) To be referred to the Reporter or not? *wo*

(2) Whether it needs to be circulated to *wo*

other Benches of the Tribunal?

R.G. Vaidyanatha
(R.G. Vaidyanatha)
Vice Chairman

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**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH. MUMBAI.**

ORIGINAL APPLICATION NO:799/94

TUESDAY the 5th day of OCTOBER 1999.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri D.S.Baweja, Member (A)

1. M.K.Saini
2. H.D.Kumbhar
3. L.B. Sharma
4. D.Mishra
5. D.G.Gharat
6. Raghunath V.
7. K.K.Gharat
8. J.P. Tiwari
9. A.K. Singh
10. U.S. Upadhyay
- 10.A. L.N.Patil
11. Abdul Latif

All working as Sr.TTE/
H.TTE/TTI
In the Bombay Division
of Western Railway, Bombay.

...Applicants.

By Advocate Shri G.K.Masand.

V/s

1. Union of India through
General Manager,
Western Railway, Bombay.
2. Divisional Railway Manager,
Western Railway
Bombay Central, Bombay.
3. Sr. DCM,
Western Railway,
Bombay Central, Bombay.
4. DCM(G & P)
Western Railway,
Bombay Central, Bombay.

By Advocate Shri Suresh Kumar.

Respondents.

ORDER (ORAL)

{Per Shri Justice R.G.Vaidyanatha,Vice Chairman}


This is an application filed under Section 19 of the Administrative Tribunals Act 1985. The respondents have filed reply. We have heard Shri G.K.Masand counsel for the applicant and Shri Suresh Kumar counsel for the respondents.

2. The applicants who were working as Senior Ticket Examiners are agrieved by the impugned order dated 29.6.1994 (Exhibit A) under which they are being directed to work at Station. When the OA was taken up for final hearing, the learned counsel for the respondents on instructions submitted that the Railways will not enforce the order dated 29.6.1994. The applicants main prayer is that the impugned order dated 29.6.1994 relieving the applicants and directing them to work at Station is illegal and liable to quashed. But in view of the statement now made by the respondents that the impugned order will not be enforced, the main prayer in the OA does not survive.

3. In the present OA the applicant has asked for second prayer for a declaration that the respondents cannot be put in un-reasonable conditions like fixation of target for TTEs and they should not take any punitive action if the target is not achieved.

The respondents have given some reasons in their reply as to how the fixation of target is necessary.

...3...





The decision of the Railway Administration in fixing the target on the face of it, is ^{not} bad in law. The applicants are very much agrieved by the punitive action of the department, in case the target is not achieved. It is also argued by the applicant that the department should not have taken punitive action without observing the principles of natural justice.

Since this is a policy matter we are not inclined to give any general instructions not to issue the circular. But however even any legal or punitive action is taken, then they may approach the Tribunal or Court, only as and when the circular is issued and if the applicant is agrieved they may question the same according to law. Similarly if on the basis of such proposed or future circular any punitive action is taken contrary to law or in violation of law the applicant may challenge the same according to law.

3. But even if such a circular is issued the department should not violate the basic principles of natural justice. Nobody should be punished without hearing. With these observations we feel that nothing more as far as the second prayer in the OA is concerned.

4. In the result OA is disposed of in view of the statement made by the respondents that they will not impose the impugned order dated 29.6.1994. As far as the second prayer is concerned the OA is disposed of subject to above observations. No costs.


(D.S. BAWEJA)
MEMBER(A)


(R.G. VAIDYANATHA)
VICE CHAIRMAN