

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:287/97

DATE OF DECISION: 22nd October 2001

Shri R.R.Tiwari Applicant.

Shri K.B. Talreja Advocate for
Applicant.

Verses

Union of India and others Respondents.

Shri R.R. Shetty for Respondent No.1 and 2. Advocate for
Respondents

CORAM

Hon'ble Shri S.L.Jain, Member(J)

Hon'ble Shri V.K. Majotra, Member(A)

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

(2) Whether it needs to be circulated to No
other Benches of the Tribunal?

(3) Library.

S.L.Jain
(S.L.Jain)
Member(J)

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO:287/97

the 22nd day OCTOBER 2001

CORAM: Hon'ble Shri S.L.Jain, Member(J)

Hon'ble Shri V.K. Majotra, Member(A)

Ramji Rajram Tiwari
Working as W.T.M. Kurla
Under DRM, Central Railway
Mumbai CST.Mumbai.

...Applicant.

By Advocate Shri K.B. Talreja.

V/s

1. The Union of India through
the General Manager
Central Railway, Mumbai CST.
2. The Divisional Railway Manager
Central Railway, Mumbai CST.

By Advocate Shri R.R. Shetty.

3. Shri V.R. Shinde
W.T.M.'C' Under DRM
Central Railway, Mumbai CST.
4. Shri S.W. Degawekar
W.T.M.'C' Under DRM
Central Railway, Mumbai CST.
5. Shri C. Udupa
W.T.M. 'C' Under DRM
Central Railway, Mumbai CST.Respondents.

O R D E R

{Per S.L.Jain, Member (J)}

This is an application under Section 19 of the Administrative Tribunals Act. 1985 for the directions to the respondents to treat the applicant regularised from the date his juniors have been regularised with consequential benefits regarding seniority, Promotion etc., and place the name of the applicant above his juniors.

S.L.Jain

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2. The applicant has entered in the Central Railway as W.T.M. with effect from 1.1.1981 in the grade of Rs. 950 - 1500. He is continuously working since then for more than 16 years on the said post. Shri V.R. Shinde, S.W. Degawekar and Shri C. Udupa, the respondents were appointed on 19.5.1982, 22.12.1983 and 1.7.1983 respectively. The service of Shri V.R. Shinde, S.W. Degawekar and Shri C. Udupa were terminated with effect from 19.4.1985. The respondents were re-instated vide order dated 5.6.1990 and 18.6.1990. Thus they being juniors to the applicant, their services have been regularised with effect from 5.6.1990 to 18.6.1990. Hence this OA for the above said relief.

3. The respondents resisted the claim of the applicant on the ground that the applicant has filed this application to upset the seniority position as was existing from 1990 onwards, while the application has been filed in the year 1997. As such it is barred by limitation. It is further stated that the services of the private respondents No. 3 to 5 were regularised in view of the order of CGIT MB's judgement dated 6.4.1988 which was decided on 5.6.1990. Hence prayed for dismissal of the OA alongwith costs.

4. The applicant has filed alongwith his OA Annexure 2 issued by DRM(P) Bombay VT dated 5.6.1990 and Annexure 3 issued by DRM, Divisional Office, Personnel Branch, Bombay VT dated 18.6.1990. On perusal of the same we do not find any order of regularisation of their service.

5. On being asked by the Bench the learned counsel for the respondents placed before us the service book of S.W. Degwekar, respondent No. 4 and C.Udupa, respondent No.5. The service book of Shri V.R. Shinde, respondent No.3 could not be placed before

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us as it could not be traced in the office of the respondents. On perusal of the service book of respondent no. 4 S.W. Degwekar is promoted as WTM but there is no order regularising his services. C. Udupa is promoted with effect from 25.5.1998.

6. On perusal of the order passed by Central Government Industrial Tribunal on reference No. CGIT 7/87, we do not find that there is any order of regularisation of service of the respondents before us.

6. The application, at least in respect of Respondent No. 4 and 5 is mis-conceived, even the respondents while submitting the written statement were careless and stated that the service of respondent No. 4 and 5 have been regularised in view of the order of Central Industrial Tribunal, while on perusal of the service Books, the facts are established otherwise.

7. We want to emphasise that the written statement on behalf of the official respondents must contend only the true facts. Suffice to state that the written statement filed by Ms. Alka A. Misra, Senior Divisional Personnel Officer, Bombay VT has not stated the true facts. We expect that in future care should be taken before signing the written statement.

8. In respect of V.R. Shinde whose personnel file / service record has not been placed before us, it is observed that the respondents shall examine the record and if necessary shall

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consider the grievance of the applicant and pass a speaking order within a period of three months. Thereafter if the applicant is still aggrieved he is at liberty to agitate the matter in this respect.

9. In the result the OA deserves to be dismissed and is dismissed accordingly with no order as to costs.

V.K. Majotra

(V.K. Majotra)
Member(A)

S.L.Jain

(S.L.Jain)
Member(J)

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