

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 747 of 1997.

Dated this Thursday, the 24th day of July, 2003.

CORAM : Hon'ble Shri A. S. Sanghvi, Member (J).

Hon'ble Shri Shankar Prasad, Member (A).

1. S. G. Dange.
2. G. D. Barnwal.
3. C. Gabriel.
4. V. R. Shinde. . .

Applicants

(All the applicants are working as
Deputy Station Superintendents at
various stations in Mumbai Division
of Central Railway)

(By Advocate Shri G. S. Walia)

VERSUS

1. Union of India through
The General Manager,
Central Railway,
Headquarters Office,
Mumbai C.S.T.,
Mumbai 400 001.
2. Divisional Railway Manager,
Mumbai Division,
Central Railway,
Mumbai C.S.T.,
Mumbai 400 001. . .

Respondents.

(By Advocate Shri Suresh Kumar)

O R D E R (ORAL)

PER : Shri A. S. Sanghvi, Member (J).

Heard Shri G. S. Walia, Learned Counsel for the
applicants and Shri Suresh Kumar, Learned Counsel for the
Respondents.

2. The O.A. is moved by the applicants seeking following reliefs :

- (a) This Hon'ble Tribunal will be pleased to call for the records and proceedings which led to the preparation of the impugned seniority list dated 26.7.1996 and after going through its validity, constitutionality, propriety, quash and set aside the same.
- (b) This Hon'ble Tribunal will be pleased to hold and declare that the seniority list of the scale of Rs. 1600-2660 (RPS) should be recast in accordance with the Railway Board orders in the ratio of 1:3 i.e. the respective ratio between Traffic Apprentices and the Departmental candidates, with all consequential benefits as to promotions, fixation of pay, increments and arrears of pay, etc.
- (c) Any other or further order as to this Hon'ble Tribunal may deem necessary in the circumstances of the case may be passed.
- (d) Cost of the Original Application be provided for.
- (e) Joint Original Application may be allowed to be filed."

3. The O.A. was heard for some time earlier and today also we have heard the Learned Counsel for both parties. During the course of hearing, it has transpired that the O.A. suffers from the vices of non joinder of necessary parties, ~~and~~ non-disclosing ^{as well as} ~~of action~~ the cause by the applicants and it appears to be in the nature of public interest litigation. Shri G. S. Walia, at this juncture, seeks permission to withdraw the O.A. with liberty to file fresh O.A. on the same cause of action.

4. Considering the grievances of the applicants as well as considering that the O.A. suffers from technical defects, we permit the applicants to withdraw the O.A. with liberty to file fresh O.A. on the same cause of action as per the extant rules and regulations. With these directions the O.A. stands disposed of. No order as to costs.

Shankar Prasad
(SHANKAR PRASAD)

MEMBER (A).

A. Sanghvi
(A.S. SANGHVI)

MEMBER (J).

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~~100~~ " not despatched
100 " dependent(s)
8-8-2003.