

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO: 10/98

DATE OF DECISION: 26.2.2002

Shri Goku1 Prasad Halkoo Moralia and others Applicant.

Shri L.M. Nerlekar Advocate for  
Applicant.

Verses

Union of India and others Respondents.

Shri R.R. Shetty Advocate for

CORAM

Hon'ble Shri M.P.Singh, Member(A)

Hon'ble Shri J.K. Kaushik, Member (J)

(1) To be referred to the Reporter or not? NO

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

(3) Library.

M.P.Singh  
(M.P.Singh)  
Member (A)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO:10/1998

TUESDAY the 26th day of February 2002

CORAM: Hon'ble Shri M.P. Singh, Member (A)

Hon'ble Shri J.K. Kaushik, Member (J)

1. Gokul Prasad Halkoo Moralia  
Residing at  
Tapti Club Bungalow  
No. 404, Out House, Bhusawal.

2. Vijai Uttam Rawandalekar  
Residing at  
15 Bungalow, 15 Block,  
PCH Colony,  
Warangaon Road,  
House No.1078, Bhusawal.

3. Nimba Kisan Sonawane  
Residing at  
Chakradhar Nagar  
Behind Kutly Machine,  
Warangaon Road,  
Bhusawal Taluka, Jalgaon.

4. Shantaram Raghunath Bhosale,  
Residing at 15 Bungalow,  
M.G. Road, Flat No. 672/A,  
Bhusawal, Dist Jalgaon.

5. Kamalakar Baburao Genorkar  
Residing at  
Dindayal Nagar, House No.1827.  
Jamner Road, Bhusawal.

...Applicants.

By Advocate Shri L.M. Nerelar.

V/s.

Union of India through  
Divisional Railway Manager,  
Central Railway, Bhusawal.

...Respondent.

By Advocate Shri R.R. Shetty.

*W.M.*  
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ORDER (ORAL)

{Per M.P.Singh, Member (A)}

By filing this OA under Section 19 of the Administrative Tribunals Act, 1985, the applicants who are 5 in number, have sought directions to the respondents to prepare a seniority list by taking into account the entire division as one unit and regularise their services from the date, vacancies ;are available for absorption. They have also sought directions to restrain the respondents from issuing any further promotion order, unless the seniority list is finalised and published.

2. Respondents have filed their reply and have stated that the applicants have been rightly placed in the seniority list and promoted to the Class III post to which they are eligible for promotions with effect from 3.2.1997. The Applicants are entitled to be promoted and regularised against 25 % quota. According to them there is no circular issued by the Railway Board on 27.7.1981 and, therefore, the contention of the applicants is misleading and denied.

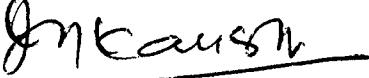
3. Heard the learned counsel for both the parites.

4. On perusing the papers placed before us, we find that the only relief claimed by the applicants is that the respondents be directed to prepare a seniority list before making any promotion to the higher grade. During the course of the arguments, learned counsel for the applicants has contended that the respondents

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have not issued the seniority list in pursuance of the judgement of this Tribunal dated 5.3.1997 in OA No. 551/92 and four other similar OAs. On the other hand, the learned counsel for the respondent placed on record a copy of the seniority list issued by them on 25.2.1998 / 5.2.1998. The said seniority list dated 25.2.1998 / 5.2.1998 is taken on record. We also find that the applicants has neither challenged the seniority list issued by the respondents on 25.2.1998, nor any promotion order, if made, as alleged by him. In view of this position, we find that this OA does not survive and has become infructuous, as the respondents have already issued the seniority list in pursuance of the directions given by this Tribunal.

5. In this view of the matter, the OA is devoid of any merit and is accordingly dismissed. The applicants are however, at liberty to avail the remedies available to them under the law.

  
(J.K. Kaushik)

Member (J)

  
(M.P. Singh)

Member (A)

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