

CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAY BENCH, MUMBAI.

Contempt Petition No.: 53/2001 in O.A. 77/1999.

Contempt Petition No.: 54/2001 and 110/2001 (C.P. 3/2006 and 4/2006) in
O.A. No. 755/1998.

Dated this Friday the 19th day of Feb 2010.

CORAM : Hon'ble Shri Jog Singh, Member (J).

Hon'ble Shri Sudhakar Mishra, Member (A)

C.P. No. 53/2001 in O.A. 77/1999

1. Shri Rajendra Kumar Raj,
Working as Senior Section
Engineer (P.Way, Const.),
Central Railway,
Ajani, Nagpur.
2. Shri A.P. Arya
working as Senior Section
Engineer (P.Way, Maint.)
Central Railway,
Kalyan.
3. Shri C.P. Kuldeep
Working as Section
Engineer (P.Way. Maint.),
Central Railway,
Igatpuri.

...
Petitioners
(Orig. Applicants)

(By Advocate Shri S.V. Marne)

Versus

1. Shri R.K. Singh
The Secretary,
Railway Board,
Ministry of Railway,
Rail Bhawan,
New Delhi.
2. Shri Sudhir Chandra
General Manager,
or his Successor in Office
Central Railway,
Headquarters Office,
Mumbai CST,
Mumbai 400 001.

...
Respondent-Contemnors

(By Advocate Shri S. C. Dhavan)

C.P. No. 54/2001 in O.A. 755/1998

Shri J P Shoke
Senior Section
Engineer (Maint),
Central Railway,
Kalyan

... *Petitioner*
(Original Applicant).

(By Advocate Shri D.V. Gangal)

Versus

1. Shri R.K. Singh
The Secretary,
Railway Board,
Ministry of Railway,
Rail Bhawan,
New Delhi.
2. Shri Sudhir Chandra
General Manager,
or his Successor in Office
Central Railway,
Headquarters Office,
Mumbai CST,
Mumbai 400 001.

... *Respondent-Contemnors*

(By Advocate Shri S.C. Dhawan)

C.P. No. 110/2001 in O.A. 755/1998

Shri J P Shoke
Senior Section
Engineer (Maint),
Central Railway,
Kalyan

... *Petitioner*
(Original Applicant).

(By Advocate Shri D.V. Gangal)

Versus

1. Shri R.K. Singh
The Secretary,
Railway Board,
Ministry of Railway,
Rail Bhawan,
New Delhi.

2. Shri Sudhir Chandra
General Manager,
or his Successor in Office
Central Railway,
Headquarters Office,
Mumbai CST,
Mumbai - 400 001.
3. Smt. P.I. Shahdadpuri
Senior Personnel Officer / Acting
Chief Personnel Officer (Engg)
Or her Successor in Office,
Central Railway,
Headquarters Office,
Mumbai CST,
Mumbai 400 001. ...

Respondent-Contemnors

(By Advocate Shri S.C. Dhawan)

C.P. 3/2006 IN CP 110/2001 in O.A. 755/1998

Shri J P Shoke
Working as Senior Section
Engineer (Maintenance),
Central Railway,
Kalyan - 421 306 ...

*Petitioner
(Original Applicant)*

(By Advocate Shri D.V. Gangal)

Versus

1. Shri R.K. Singh
The then Secretary
Railway Board
Ministry of Railway, Railway Board
Rail Bhawan, New Delhi.
2. Shri Sudhir Chandra
The than General Manager,
Central Railway
& his successors in
O/o. Central Railway, HQ,
Mumbai CST 400 001.
3. Shri A.K. Pandharkar
Dy.CPO(NG), Head Quarter,
Central Railway,
Mumbai- CST. ...

Respondent-Contemnors.

(By Advocate Shri S.C. Dhawan)

C.P. No. 4/2006 IN O.A. 755/1998

Shri J P Shoke
 Senior Section
 Engineer (Maintenance),
 Central Railway,
 Kalyan - 421 301

Petitioner ·
(Original Applicant)

(By Advocate Shri D.V. Gangal)

Versus

1. Shri B.K. Panigrahi,
 Assistant Personnel Officer
 (Court) HQ.,
 Central Railway CST,
 Mumbai.

Proposed Contemnor

2. The General Manager,
 Central Railway,
 CST-Mumbai, GM's Bldg.,
 Mumbai C.S.T.

Respondent.

(By Advocate Shri S.C. Dhawan)

ORDER

Per : Shri Jog Singh, Member (J)

The relief sought by the applicant in the main
 O.A. No. 755/1998 are as follows :

"(a) This Hon'ble Tribunal may be
 graciously pleased to call for records of the
 case from the Respondents and after examining
 the same quash and set aside the impugned
 order dated 11-07-1998, 07-08-1998 and 02-09-
 1998;

or alternatively

(b) To hold and declare that the
 Applicant is eligible to appear for Class
 II/Group B selection impugned herein.

(c) To hold and declare that the
 Respondents should publish integrated
 seniority list of all six streams of Civil
 Engineering Departments for promotion to
 Class II/Grade B selection, before ordering
 Group B selection.

(d) To hold and declare that the selection called vide Notification dated 19-03-1998 is legal and valid.

(d2) To hold and declare that the letter dated 15-05-1998 is illegal and void abinitio and be quashed and set aside."

2. Contempt Petitions 54/2001 and 110/2001 have been filed by the applicant contending that the respondents have not complied with the directions contained in this Tribunal's order dated 30.03.2001 passed in the main O.A. No. 755/1998. Contempt Petition No. 53/2001 has been filed contending non-compliance with the decision in O.A. No. 77/1999, which was disposed of along with O.A. No. 755/1998 through the common order dated 30.03.2001 in similarity of facts, circumstances and contentions. The Learned Counsel for the applicant submits that there are two different components in the direction issued by the Tribunal in its order dated 30.03.2001 and, as such, he has preferred two different contempt petitions. The learned counsel has further pointed out that he has moved two more Contempt Petitions, namely - 3/2006 and 4/2006 in respect of non-compliance of the same order dated 30.03.2001 but notices have not been issued to the respondents in respect of Contempt Petitions No. 3/2006 and 4/2006. However, in the other two contempt petitions, namely - 54/2001 and 110/2001 the parties have filed detailed pleadings and have been heard at length. It is useful to read the operative portion of the order dated 30.03.2001 passed by this Tribunal which is as under :

"We have heard the learned counsel for the applicants and the respondents carefully.

The entire issue relates to the letter of 15.05.1998 issued by the Railways which has deleted the portion relating to a

person promoted in an earlier panel being senior to one promoted on a later panel. There have been several judgments pronounced on not exceeding the reserved quota, the seniority of SC/STs acquiring accelerated seniority vis-a-vis the seniors promoted later and restoring their seniority etc. The respondents have relied on the judgment dated 5.5.98 which is one of the latest judgments on the issue in consideration. The judgment has taken into account the judgment in Jagdish Lal's case as well as all the other relevant judgments. The case has been distinguished. The ratio laid down is that accelerated promotion cannot grant accelerated seniority to SC/STs. All the same we find that in these various judgments the actions taken, initiated in the past has been protected. In Ajit Singh II's V/s. State of Punjab also while discussing about the prospectivity of the judgment in Ajit Singh Januja dated 1/3/96 it was observed in conclusion that while promotions in excess of roster made before 10/2/95 are protected. Such promotees cannot claim seniority which has no element of immediate hardship. So the reference is to cases where promotions have been granted in excess of the quota. That does not appear to be the case here. The applicant was promoted in 1984 against reserved quota. It is not stated that the applicant was promoted in excess of the quota. This being so the applicant's seniority of 1984 remains. Therefore, in our view, the applicant deserves to be included in the eligibility list for selection to Class II post as per his seniority in his cadre irrespective of the letter dated 15/5/98. Also it cannot be ignored that the Principal Bench also had ruled at interim stage, against the deleting of the five lines incorporated in the amended para 319-A of IREM. Considering that the judgment of 5/5/1998 has been challenged in the High Court there is no finality about it. In the facts and circumstances of the case we quash and set aside the impugned orders dated 11/7/98, 7/8/1998 and 2/9/98 and direct the respondents to give a supplementary test to the applicants for selection to Class II post/grade 'B' and consider them for promotion if found suitable. This shall be done within a period of three months from the date of receipt of a copy of this order.

Accordingly the OAs are allowed. No costs."

3. From the chronology of events, as reflected in the pleadings, we note that on receipt of the Tribunal's order dated 30.03.2001, the applicant preferred a representation to the respondents requesting them to implement the order in question on 16.04.2001. The respondents, instead of implementing the order, approached this Tribunal by way of Review Petition No. 30/2001 on 20.04.2001 and by order dated 30.08.2001, the said Review Petition was allowed. The O.A. was restored to file. The applicant challenged the said decision, allowing the Review Petition by the Tribunal, before the Hon'ble High Court of Bombay by way of Writ Petition No. 2605/2001. The Hon'ble High Court, after hearing the matter, was pleased to set aside the order passed by this Tribunal in Review Petition on 30.08.2001 and directed the Tribunal to rehear the matter by its order dated 02.11.2001. The Review Petition was accordingly reheard and by order dated 19.04.2002 the Tribunal directed the respondents to implement the original order dated 30.03.2001 within a period of two months from the date of receipt of a copy of the order dated 19.04.2002. The respondents again did not implement the order of this Tribunal and preferred a Writ Petition No. 1753/2002 before the Hon'ble High Court against the orders dated 30.03.2001 and 19.04.2002. By order dated 15.07.2002, the Hon'ble High Court has been pleased

to stay the order dated 30.03.2001 with certain observations. Para 4 of the said order of Hon'ble High Court is relevant and is reproduced herein below :

"4. The impugned order dated 30.03.2001 is stayed but this stay will not affect promotion that has already been granted to the general category candidates and will also not prevent the petitioner from considering the cases of the Scheduled Castes/ Scheduled Tribes for promotion. All orders will be subject to the final decision in this petition."

4. The above said Writ Petition is pending before the Hon'ble High Court and it was informed by the Learned Counsel for the respondents that they have moved for expediting the said writ petition.

5. Thus, the issue before this Tribunal in the present contempt petition is as to whether there is any deliberate violation of this Tribunal's order dated 30.03.2001 passed in the main O.A.No. 755/1998. Simply and undoubtedly, the answer would have been in the positive if the respondents had not approached the Hon'ble High Court and sought the stay of the Tribunal's order dated 30.03.2001 on 15.07.2002 in Writ Petition No. 1753/2002. Therefore, we have to dwell on the facts and contentions of parties for a while.

6. The learned counsel for the applicant submits that the Tribunal has quashed the impugned orders dated 11.07.1998, 07.08.1998, 02.09.1998 and further directed the respondents to give a supplementary test

to the applicants for selection to Class II Post/Grade 'B' and consider them for promotion if found suitable, within a period of three months. Further, specifically it was pointed out by the Tribunal that the promotion granted to the applicant in the year 1984 against reserved vacancy was not in excess of the quota. As such, his name should have been included in the eligibility list for selection to Class-II post as per his seniority in his cadre.

6.1 The learned counsel for the applicant further submits that although the above said order dated 30.03.2001 has been stayed by the Hon'ble High Court, at the same time, a direction is issued that the stay will not affect promotions already granted to General category candidates and will not prevent the petitioner (i.e. the Railways) from considering the case of reserved candidates for promotion.

7. Respondents have filed their reply and on the basis of sequence of dates and events, have pointed out that there is no deliberate or intentional non-compliance of the order of this Tribunal dated 30.03.2001 as the same has been stayed by the Hon'ble High Court by its order dated 15.07.2002 in the Writ Petition No. 1753/2002. The respondents have also stated that they have approached the Hon'ble High Court for expediting the matter.

8. We have heard both the learned counsel for the parties at length and have perused the pleadings and

documents annexed therewith. We note that the directions contained in Tribunal's order dated 30.03.2001 cannot be implemented by the respondents as long as there is a clear stay by the Hon'ble High Court of the order dated 30.03.2001. Neither this Tribunal's order dated 30.03.2001 nor the order dated 15.07.2002 passed by the Hon'ble High Court can be segregated into different parts and make one of them implementable.

9. The direction of the Hon'ble High Court that the stay will not affect the promotions which have already been granted to general candidates is passed to meet out justice to those general candidates who had already been promoted and, as such, their interest was required to be protected by the Hon'ble High Court. The other direction of the Hon'ble High Court that the stay will not prevent the petitioner (Railway) from considering the case of SC/ST for promotion is in the form of liberty to enable the Railway organization to do justice in the matter of promotion of SC/ST candidates. Since the applicant also happens to be a reserved category candidate belonging to Schedule Caste, his case should also be considered along with others for promotion to any appropriate post if the respondents wish to do so. However, this cannot be interpreted to include the implementation of this Tribunal's direction contained in its order dated 30.03.2001 which has been specifically stayed by the Hon'ble High Court.

10. We note that this is a hard case. The applicant belongs to reserved category and has been fighting for justice for the last ten years but is deprived of the actual benefit because of the technicalities of law. But at the same time, as long as the Hon'ble High Court's stay is in currency, the Tribunal cannot proceed with the contempt matters any more. Therefore, the present contempt petitions are disposed of with an observation that as and when an eventuality arises either on modification, if any, of the stay order dated 15.07.2007 granted by the Hon'ble High Court in the Writ Petition No. 1753/2002 or when the Writ Petition is finally disposed of, the applicant would be at liberty to approach the appropriate forum as per law and in accordance with the direction of the Hon'ble High Court which may be passed eventually.

11. With the above observations, the contempt petitions, namely - 53/2001, 54/2001 and 110/2001 stand disposed of. Notices discharged. Similarly, the contempt petitions no. 3/2006 and 4/2006 which also arise out of the same order of this Tribunal in O.A. No. 755/1998 are also disposed of without notice to the other side. Accordingly, M.Ps. No. 91/2006, 185/2006, 471/2006, 472/2006, 317/2007, 44/2008 and 45/2008 also stand disposed of.

C. P. No. 53/2001 IN. O. A. 77/1999.

NO.CAT/MUM/JUDH/ C. P. 54/2001 and 110/2001 (C. P. 03/2006 and 04/2006) IN. O.A. 755/1998.

- | | | |
|--|---|--|
| 1. Shri S. V. Marne, counsel for applicant | } | C. P. No. 53/2001 IN. O.A. 77/1999 |
| 2. Shri S. C. Dhawan, counsel for respondents | | |
| 3. Shri D. V. Gangal, counsel for applicant | } | C. P. No. 54/2001 IN. O. A. 755/1998. |
| 4. Shri S. C. Dhawan, counsel for respondents | | |
| 5. Shri D. V. Gangal, counsel for applicant | } | C. P. No. 110/2001 IN. O.A. 755/1998. |
| 6. Shri S. C. Dhawan, counsel for respondents | | |
| 7. Shri D. V. Gangal, counsel for applicant | } | C. P. No. 03/2006 IN. C. P. 110/2001 IN. 755/1998. |
| 8. Shri S. C. Dhawan, counsel for respondents | | |
| 9. Shri D. V. Gangal, counsel for applicant | } | C. P. No. 04/2006 IN. O. A. 755/1998. |
| 10. Shri S. C. Dhawan, counsel for respondents | | |

SECTION OFFICER

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

C.P. 54 OF 2001

IN

ORIGINAL APPLICATION NO. 755 OF 1998

J.P. Shoke.....Applicant

V/S

Shri R.K. Singh

Secretary Railway Board

Or his successor in office

RailBhawan New Delhi and

two othersRespondents

Recd after
hearing is over time
Hon'ble may give time
to reply will be
20/12/2010
1:15 pm

GIST OF THE CASE

C.P. 54 of 2001

1. The respondents deliberately and wilfully violated the order of Hon'ble Tribunal dated 30.3.2001 and 29.1.1999, in the above O.A. , Thus committed wilful and deliberate contempt of court under the contempt of court Act 1971.
2. The respondents have admitted in various reply and submission that admittedly they have not conducted the supplementary test despite success of the applicant in the O.A. as ordered dated 29.1.1999 , 30.3.2001 and

19.4.2002 in which the Tribunal mandatory is directed to implemented the order dated 30.3.2001 within two months. This order also is wilfully and deliberately voilated compounding the contempt of court.

3. The respondents commission of offence of contempt of court was complete on 11.7.2001 and on 2.11.2001, when the Hon'ble High Court Mumbai set a side the order dated 30.8.2001. There was no stay by Hon'ble High Court nor by the Hon'ble Tribunal. The Hon'ble High Court directed the rspondents in W.P. 2605 of 2001 on 2.11.2001 that the respondents may apply for stay in the review application. The respondents applied for stay , which is not granted. The Hon'ble Tribunal dismissed M.P. No. 934, 972 and 964 of 2001 for stay of the dated 30.3.2001 are dismissed. Thus wilful and deliberate contempt is the continuing offence from 11.7.2001 , and 2.11.2001 to to date.

4. The respondents continuned to commit contempt of court, because they merely filed W.P. 1753 of 2002 on dated 14.6.2002, without obtaining any stay.

5. The respondents turned volteface by filing M.P. 548 of 2002, before this Hon'ble Tribunal on dated 20.6.2002 making mockery (challenging the same order before this Hon'ble Tribunal and Hon'ble High Court

compounded by the authorities who are the custodian of law and order and rule of law, by filing two proceeding before two independent forums. This is illegal.

6. The applicant asserts that even as of today the M.P. 548 of 2002 and W.P. 1753 of 2002 are pending without any final orders.

7. The respondents have asserted in M.P. 548 of 2002 in para 10 page 282 of the paper book that, they have not understood how to implemented the order of the Hon'ble Tribunal dated 30.3.2001. They allaged that the order is confusing and hence they want clarification. The applicant states that the orders dated 29.1.1999 and 30.3.2001 are absolutely clear and unambigeous. The M.P. 548 of 2002 is pretention for delaying and misusing and abusing the judicial process before two Hon'ble forums.

8. The order dated 30.3.2001 has quashed the letter dated 11.7.1998 by which class II selection was ordered 19.3.1998. The respondents have committed cotempt of court in the every sentence of the M.P. 548 of 2002, from paragraphs 2 onwards. The respondents have taken the Hon'ble Tribunal for a ride by dishonest application. The submissions in this application /M.P. 548 of 2002 are the arguments against the order dated

writing in this M.P. 548 of 2002 are criminal contempt of court.

9. The respondents have filed review petitions in which they were bound to ask for clarification which they are seeking after the dismissal of the review petitions. The second review petition is not permissible in law.

10. It is respectfully submitted that the respondents failed to state in the review petition that they have not understood the order of the Hon'ble Tribunal correctly causing confusion for implementing. (The respondents aware of the C.P. by Tribunal order dated 12.12.2001, at page 69. The contempt Notice in C.P. 54 of 2001 is issued on 8.11.2005 and in C.P. 110 of 2002 on dated 27.6.2005).

11. The applicant states that thus the respondents have committed contempt of this Hon'ble Tribunal. The reason is wilful defiance of the order of Hon'ble Tribunal to hold a supplementary test. The respondents have failed to hold the supplementary test.

12. The order of the Hon'ble Tribunal injuncts the respondents and the applicant both that he will not / they will not compelled the applicant to compete with general candidates. Consequently ordering an independent selection without

(a). There was a positive direction in the orders dated 29.1.1999 and 30.3.2001 as well as 19.4.2002 of the Tribunal to hold a supplementary test to applicant and SC/ST for class II group 'B' selection.


(b). There was a prohibitory / injunctive order not to subject the applicant and SC/ST candidate to compete with general candidates and in a regular selection.

(c). The stand of the respondents the applicant and the SC/St candidate of the year 1998 and seniority of the year 1998 were given and opportunity to appear in a general selection in notification 26.12.2002, is a fraud. And stand is dishonest. The reason is the said selection/notification is contrary to order of the Hon'ble Tribunal dated 29.1.1999, 30.3.2001 , 19.4.2002 and Constitutional 85th Amendment Act 2001.

(d). The applicant appeared in this selection/notification dated 26.12.2002 under protest vide his representation dated 6.12.2002 at page 137 in O.A. 556/2003.

(e). Thus non-holding of the supplementary test as per above three orders of Hon'ble Tribunal amounts to wilful disobedience and intentional contempt of court, for which they must be punished accordance with law.

Dated :- 01.02.2010



D.V. gangal

Advocate for applicant

Ann-A-1

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:755/98
831/98 and 77/99
DATED THE 30 DAY OF March 2001

M: HON'BLE SHRI KULDIP SINGH, MEMBER(J)
HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)

Applicant and Respondents in OA-755/98.

P. Shoke,
Working as
Senior Service Engineer
(Special Works)
Central Railway,
Kalyan.

... Applicant

By Advocate Shri S.V. Marne

V/s.

1. Union of India, through
Secretary,
Railway Board,
Ministry of Railways,
Rail Bhavan,
New Delhi

2. The General Manager,
Central Railway,
Head Quarters Office,
Mumbai C.S.T.,
Mumbai - 400 001.

3. The Chief Personnel Officer,
Central Railway,
Head Quarters Office,
Mumbai C.S.T.,
Mumbai - 400 001.

4. The Divisional Railway Manager,
Mumbai Division,
Central Railway,
Head Quarters Office,
Mumbai C.S.T.
Mumbai - 400 001.

5. The Divisional Railway Manager,
Bhusawal, Division,
Central Railway,
Bhusawal, Dist: Jalgaon.

... Respondents

By Advocate Shri M.I. Sethna alongwith
Shri S.C. Dhawan.

...2.

:2:
Applicants and Respondents in OA 831/98

1. Mrs. Rama Chandrakant Surwade
Matron
2. Ms. Asha P Lokhande
Matron In-Charge
3. Ms. V. S. Pawar
Matron

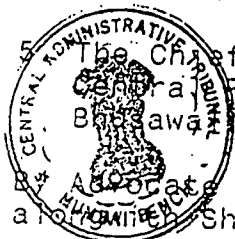
... Applicants

All working under the Chief
Medical Superintendent,
Central Railway Hospital,
Bhusawal.

By Advocate Shri S.V. Marne

V/s.

1. Union of India, through
The Secretary,
Ministry of Railways,
Railway Board,
Rail Bhawan,
New Delhi.
2. General Manager,
Central Railway,
Head Quarters Office,
Mumbai C.S.T.,
Mumbai - 400 001.
3. The Chief Medical Director,
Medical Services,
Central Railway,
Head Quarters Office,
Mumbai C.S.T.,
Mumbai - 400 001.
4. Divisional Railway Manager,
Central Railway,
Bhusawal Division,
Bhusawal.



5. The Chief Medical Superintendent,
Central Railway Hospital,
Bhusawal.
- By Advocate Shri M.I. Sethna
and Advocate Shri S.C. Dhawan.

... Respondents.

Applicants and Respondents in OA 77/99.

1. Shri Rajendra Kumar Raj
Sr. Section Engineer (Construction)
2. Shri Ram Jaruria
Sr. Section Engineer (Works)
3. Shri Omkar Singh Rankoshal
Sr. Section Engineer (Works)
4. Shri V.P. Temburkar
Sr. Section Engineer (Works)

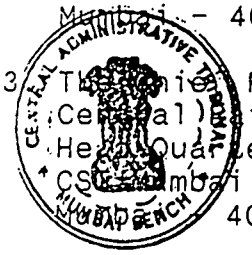
- Shri Ramdas
Sr. Section Engineer (Works)
- Shri A.P.Arya
Sr. Section Engineer (P.Way)
- Shri M. Ganesh
Chief Draftsman
8. Shri Tularam Dohare
Sr. Section Engineer (P.Way)
9. Shri Jagdish Prasad Ahirwar
Sr. Section Engineer (P.Way)
10. Shri C.P.Kuldeep
Section Engineer (P.Way)
11. Shri D.R. Bharati
Sr. Section Engineer (P.Way)
12. Shri Harcharan Lal Rawat
Section Engineer (P. Way)
13. Shri T.K.Sarkar
Section Engineer (Works)
14. Shri S.K.Biswas
Sr. Section Engineer (P.Way)

... Applicants

By Advocate Shri S.V.Marne

V/s.

1. Union of India, through
Secretary,
Railway Board,
Ministry of Railways
Rail Bhawan,
New Delhi.
2. The General Manager,
Central Railway,
Head Quarters Office,
CST Mumbai,
Mumbai - 400 001.
3. The Chief Personnel Officer,
Central Railway,
Head Quarters Office,
CST Mumbai,
Mumbai - 400 001.
4. The Chief Engineer,
Central Railway,
Mumbai CST.
5. The Divisional Railway Manager,
Mumbai Division,
Central Railway,
CST Mumbai,
Mumbai 400 001.
6. The Divisional Railway Manager,
Nagpur Division,
Central Railway,
Nagpur.



:4:

7. The Divisional Railway Manager,
Central Railway,
Bhopal.

8. The Divisional Railway Manager,
Central Railway,
Jhansi

9. The Divisional Railway Manager,
Central Railway,
Jabalpur

... Respondents

By Advocate Shri M.I.Sethna
alongwith Shri S.C.Dhawan

(ORDER)

(Per Smt.Shanta Shastry, Member(A))

The issue raised and the law point involved in all these OAs are the same. Accordingly we have decided to proceed to dispose them off by a common order. For illustrative purpose the OA 755/98 is discussed below:-

OA 755/98

The applicant belonging to Scheduled Caste in this OA was initially appointed as Inspector of Works III apprentice on 6.7.1981 in the Civil Engineering Department. After completion of apprenticeship he was finally absorbed as 10W III w.e.f. 6/1/82. He was promoted to 10W.Gr.II w.e.f. 14/3/83 and as 10W Gr.I w.e.f. 1/1/84 due to restructuring of the cadre. He was promoted as Chief IOW in 1986 on ad hoc basis and was reverted in 1989, thereafter, again he was promoted in 1996 as CIOW for a short period.

His appointment and promotions were against reserved quota.

...5.

In the year 1997-98 the respondents decided to hold selection for group 'B' service i.e. a class II post of Assistant Engineer. Accordingly the vacancy position was assessed upto 1/1/2000 and total vacancies were worked out to 81 out of which 70% were earmarked for LEG (i.e. 57 posts) and 30% for LDCE (24 posts). Accordingly a notification was issued on 19/3/1998 for selection to 57 posts alongwith a list of eligible candidates in terms of Railway Board's letter dated 28/2/1997. The applicant's name was included in the list. A written test and supplementary written test were held on 25/4/98 and 23/5/98. The applicant appeared in the test.

3. Thereafter the aforesaid selection was cancelled by the respondents vide letter dated 11.7.1998 on the ground that due to a revised policy regarding seniority of SC/ST employees the zone of consideration of SC/ST was required to be changed. A fresh assessment was made in view of the letter dated 15/5/1998 of the Railway Board. The total vacancies were reduced to 53 i.e. 37 for the LEG and 16 for LDCE. A fresh notification was issued on 18/8/98 alongwith list of eligible candidates for test to be held on 5/9/98. For purposes of determining eligibility an integrated seniority list of all six streams forming the feeder grade was prepared. The respondents relied on the judgement of this Tribunal dated 5/5/98 in a group of OAs. The applicant's name was not included in the eligibility list. He made a representation on 27/8/98 calling upon them to publish a common integrated seniority list of all the six streams of feeder cadre and to allow him to appear for selection in general category.



:8:

4. The respondents replied on 2/9/98 stating that integrated list was already published.

5. It is the grievance of the applicant that he was eligible till the cancellation of selection on 11/7/98 and within one month thereafter he is declared not eligible vide notification dated 7/8/1998. According to him being the seniormost person in the stream of IOW he is eligible to appear for the selection. He has therefore prayed as follows:-

i) to quash and set aside the impugned orders dated 11/7/98, 7/8/98 and 2/9/98:

or alternatively

ii) to hold and declare him eligible to appear for class II/ Group 'B' selection impugned herein.

iii) to hold and declare that the respondents should publish integrated seniority list of all the six streams of Civil Engineering Department for promotion to class II/Grade B selection before ordering group 'B' selection.

iv) to hold and declare that the selection called vide notification dated 19/3/98 is legal and valid.

v) To hold and declare that the letter dated 15/5/98 is illegal and void ab initio and be quashed and set aside.



6. The learned counsel for the applicant contends that the respondents are not justified in cancelling the selection. The applicant is at the top of the seniority list in his cadre. He had also topped in the ZTs examination.

According to the applicant the respondents failed to publish integrated seniority list. As per the recruitment model

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the table prescribed by the Railway Board making an integrated seniority list has to precede the issuing of notices of selection. This has not been done. Because of this the applicant could not assert his exact position among the other eligible candidates. He also denies that the respondents published such a list.

Further he contends that he being at the top of seniority list in his cadre he should have been included as a general candidate.

7. He submits that after the judgement of the Hon'ble Supreme Court in the case of Virpal Chauhan's case (1993(6)SCC 885) the Railway Board issued letter dated ^{28.2.1997} (28/3/1997) by which para 319A was inserted in the Indian Railway Establishment Manual. It was provided that if a railway servant belonging to SC/ST is promoted to immediate higher post/grade against a reserved vacancy earlier than his general/OBC Railway servant who is promoted later to the said immediate higher post/grade, the general/OBC Railway servant will regain his seniority over such earlier promoted SC/ST Railway servants. This was however made subject to the condition that in respect of selection posts the overriding principle that a Railway Servant borne in an earlier panel will rank senior to the Railway servant borne in a later panel, will be observed. The earlier notification of 19/3/98 was based on this letter. By the subsequent letter of 15/5/98 the last proviso of the newly added para 319A in the Indian Railway Establishment Manual has deleted the following lines from the said para:-

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"This will however, be subject to the condition that in respect of selection post the overriding principle that a Railway Servant borne in an earlier panel will rank senior to a Railway servant borne in a later panel will be observed."

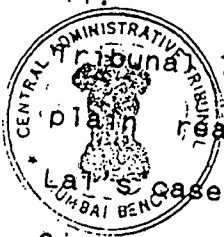
8. The learned counsel submits that this action is in total violation of the judgement of the Principal Bench of the Tribunal in OA No.1469 of 1997 decided on 31/3/98 where the legality of the above mentioned provision was challenged by the general candidates. The Tribunal observed as follows:-

"We therefore find no justification to delete the impugned 5 lines in the Note and this argument is also rejected."

9. Further the Railway Board had issued a letter dt. 27/8/98 reiterating the principle laid down in OA No.1469 of 1997 that the 5 lines in the newly added para 319A are valid.

10. Also the Principal Bench of the Tribunal as well as the Jaipur Bench have already stayed the letter of 15/5/98. It is not correct that the respondents should have proceeded to conduct the examination on 5/9/98 and 27/9/98 in contempt of the stay order..

11. In another OA No.1142 of 1997 the Principal Bench of the Tribunal laid down in their judgement dated 24/7/97 that on a reading of the decision of the Supreme Court in Jagdish Lal's case we find that the ratio in Virpal Chauhan and Ajit Singh has not been overruled by the subsequent coordinate Bench --- Jagdish Lal's case being the latest judgement of a bench of 3 judges of the Supreme Court we are bound to abide by the ratio of this judgement.



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The Supreme Court in Jagdish Lal have positively referred the case of Virpal Chauhan as well as Ajit Singh and has held that the ratio of these two cases has now become inapplicable.

13. According to the learned counsel the judgement of the Bombay Bench of the Tribunal dated 5/5/98 cannot rule the field so long as Jagdish Lal's judgement stands.

14. Coming to the details of his merit, the applicant's learned counsel submits that the grade of Rs.700-900 is the grade which is required to be taken into consideration as a basic grade for promotion to class II posts and hence the date of promotion of applicant as 1/1/84 is the basic date on which the selection was called for but cancelled later. He is senior to many candidates called at Sr.No.60 onwards whose entry in the grade of Rs.425-700 is after 6/7/81 and in the grade of Rs.700-900 is after 1/1/84.

15. The applicant has also asserted that since he was promoted to the post of IOW Gr.I in 1984 his seniority cannot be disturbed as it was before 10/2/95 when the judgement in S. K. Saharwal's case was pronounced by the Hon'ble Supreme Court. The applicant therefore maintains that the earlier selection should be held valid and the result should be declared and he be promoted. Alternatively he be allowed to appear in a supplementary test.

16. He also submits that the respondents have completed the selection process in pursuance of the impugned notification dated

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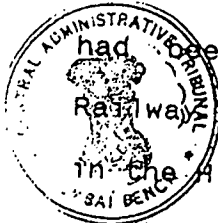


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7/8/98 and the panel has been declared. However there are 22 vacancies remaining unfilled. Applicant should be promoted against these vacancies.

17. The respondents have filed a written statement dismissing the applicant's claim of being a general candidate. According to them he has all along been promoted on the basis of his belonging to scheduled caste. The respondents have relied on the judgement dated 5/5/98 of this Tribunal and the letter dated 15/5/98. According to them no junior to the applicant was called for selection. Those called for were very much senior to the applicant in that some of them had joined service in 1965 whereas the applicant joined in 1981. The applicant was promoted as CIOW only on local adhoc basis. There is no procedure to publish integrated seniority list in advance. The seniority in different categories has already been published before preparation of integrated seniority. The respondents harped on the fact that they have strictly followed the judgement of this Tribunal dated 5/5/1998 and there is nothing illegal about the letter dated 15/5/98. The applicant did not challenge the judgement of 5/5/1998 in the TA No.139/87 and other connected matters which had been filed by the All India Scheduled Caste Scheduled Tribe Railway Employees Association. They also filed a writ petition in the High Court challenging the order of 5/5/98 but no stay was granted. Neither in Virpal Singh Chauhan nor in Ajit Singh's case the seniority acquired prior to 10/2/95 has been protected. No doubt the applicant is senior in his cadre and he was promoted to the selection grade. His seniority in the integrated seniority for promotion to Class II it has been taken in terms of

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judgement dated 5/5/98 and the letter dated 15/5/98. The letter of 15/5/98 has been issued in consultation with the department of Personnel and Training after taking into account the various judgements of the Supreme Court which have become final and are binding. The order passed by Principal Bench staying the operation of the letter dated 15/5/98 is only an interim order. Besides this, Tribunal in Mumbai has also not considered the stay granted by the Principal Bench while vacating the interim stay granted vide order dated 29/1/99. The respondents are justified in not including the applicant in the eligibility list for the notification dated 7/8/98 for fresh selection.

18. We have heard the learned counsel for the applicants and the respondents carefully.

The entire issue relates to the letter of 15/5/1998 issued by the Railways which has deleted the portion relating to a person promoted in an earlier panel being senior to one promoted on a later panel. There have been several judgements pronounced on not exceeding the reserved quota, the seniority of SC/STs acquiring accelerated seniority vis - a - vis the seniors promoted later and restoring their seniority etc. The respondents have relied on the judgement dated 5/5/98 which is one of the latest judgements on the issue in consideration. The judgement has taken into account the judgement in Jagdish Lal's case as well as all the other relevant judgements. The case has been distinguished. The ratio laid down is that accelerated promotion cannot grant accelerated seniority to SC/STs. All the same we find that in these various judgements the actions taken,

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initiated in the past has been protected. In Ajit Singh II's State of Punjab also while discussing about the prospectivity of the judgement in Ajit Singh Januja dated 1/3/96 it was observed in conclusion that while promotions in excess of roster made before 10/2/95 are protected, Such promotees cannot claim seniority which have no element of immediate hardship. So the reference is to cases where promotions have been granted in excess of the quota. That does not appear to be the case here. The applicant was promoted in 1984 against reserved quota. It is not stated that the applicant was promoted in excess of the quota. This being so the applicant's seniority of 1984 remains. Therefore in our view, the applicant deserves to be included in the eligibility list for selection to Class II post as per his seniority in his cadre irrespective of the letter dated 15/5/98. Also it cannot be ignored that the Principal Bench also had ruled at interim stage, against the deleting of the five lines incorporated in the amended para 319-A of IREM. Considering the judgement of 5/5/1998 has been challenged in the High Court there is no finality about it. In the facts and circumstances of the case we quash and set aside the impugned orders dated 11/7/98, 7/8/1998 and 2/9/98 and direct the respondents to give a supplementary test to the applicants for selection to class II post/grade 'B' and consider them for promotion if found suitable. This shall be done within a period of three months from the date of receipt of a copy of this order.

Accordingly the OAs are allowed. No costs.

A

(SHANTA SHASTRY)
MEMBER(A)

Certified true Copy

D. No. 2094/209

Section Officer
Central Adm. Tribunal,
Bombay Bench.

(KULDIP SINGH)
MEMBER(J)

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

REVIEW PETITIONS NO. 30, 31, 35, 37 & 38/2001
IN
ORIGINAL APPLICATIONS NO. 755, 831/1998 & 77/99

THIS THE 19TH DAY OF APRIL, 2002

CORAM: SHRI JUSTICE BIRENDRA DIKSHIT. VICE CHAIRMAN
SMT. SHANTA SHASTRY. MEMBER (A)

Union of India & Others. Applicants

Versus

J.P. Shoke & Others

Respondents

O R D E R

Hon'ble Smt. Shanta Shastri, Member (A)

The review petitions No.30, 31 & 35/2001 have been filed in OA No.755, 931/98 and 77/99 which were decided by a common order dated 30.3.2001. The review petitions No.37 & 38/2001 were also filed by intervenors who were not parties to the OAs, but were affected by the decision in the OA. Therefore, all these review petitions are being considered and are being disposed of by a common order. The review petition No.30/2001 has been dealt with in details in the following paras for purpose of illustration.



2. This review application has been filed by the respondents in the Original Application against the order dated 30th March, 2001 in OA No.755/98. The applicants in the OA had prayed for including them in the eligibility list for selection to the post of Assistant Engineer, which is a Group 'B' post by

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quashing and setting aside the order dated 07.8.98 by which a fresh selection was notified. The applicants had also challenged the validity of Railway Board's letter dated 15.5.1998 and to quash and set aside the same.

3. The OA was allowed and the impugned orders dated 11.7.98, 07.8.98 and 02.9.98 were quashed and set aside and the respondents were directed to give a supplementary test to the applicants for selection to the post of Junior Engineer and to consider them for promotion if found suitable. This was to be done within a period of three months. The respondents had sought extension of time for implementation of the judgment. Thereafter, the present review petition has been filed.

4. According to the review petitioners, the five Judges Bench in Ajit Singh-II's case held that promotions already made in excess of the roster can be protected, but not the seniority vis-a-vis the general candidate. But the Tribunal took the view that the non-protection of seniority applied only in the case of promotees promoted in excess of the reserved quota. According to the petitioners, the Tribunal has not considered and noted the findings of the Hon'ble Supreme Court in proper perspective.

5. The review petitioners also have pointed out

that the Principal Bench had passed orders in OA No.1491/98 on 10.8.2000 upholding the validity and legality of the Railway Board's letter dated 15.5.98 which had been challenged by the applicants in OA 755/98. The review petitioners also contended that the Tribunal's observation that there was no finality to the judgment and order of the Tribunal dated 05.5.98 in a number of OAs only because a writ petition was pending in the High Court though no order of stay or contrary orders had been passed by the High Court, is not correct. The judgment dated 05.5.1998 has to be taken as binding and the action based on the said judgment is legal and valid. Thus, the review petitioners' contention is that in the light of the above mentioned patent errors, a review is called for of the order dated 30th March, 2001 in OA No.755/98.



6. The review was allowed in circulation taking note of the judgment of the Principal Bench in OA No.1491/98 dated 10.8.2000 and was directed to be placed for hearing. Since it was allowed in circulation, the applicant in the OA filed a Writ Petition in the High Court and the High Court quashed and set aside the order passed on 30th August, 2001 on the review application No.30/2001 35/2001 and 31/2001 and directed notices to be issued to the petitioners and other applicants of the original application and decide the review application.

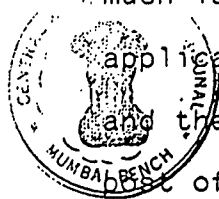
7. In the meantime, the applicants in OA filed Contempt Petition against the respondents for non-compliance of the directions of the Tribunal dated 30.3.2001. The respondents also filed MP No.934/2001 to stay the order and judgment dated 30.3.2001 till the disposal of the review petition.

8. As per the direction of the High Court, notices were issued on the review petition and the matter was heard. Some of the parties, who were affected by the order dated 30.3.2001, who were not parties to the OA also filed MP seeking intervention. Finally, the MP was allowed and the intervenor were allowed to intervene in the matter. They too were heard.

9. The learned counsel for the respondents Shri Dhawan argued on the lines of the grounds taken in the review petition as already mentioned above. According to them although the promotion of the reserved category candidates i.e. applicant in OA No.755/98 can be protected in terms of the judgment in the case of Ajit Singh-I and Ajit Singh-II the accelerated seniority is not protected. This part has been overlooked by the Tribunal. The Tribunal, according to the review petitioners failed to consider the judgment of the Supreme Court in proper perspective. So also the Tribunal did not consider the judgment in OA No.1491/98 upholding the circular of 15.5.98 of the Railway Board.



10. The respondents in the review petition i.e. the original applicants argued that there was no error apparent on the face of the record. It is not that the Tribunal did not apply its mind to the judgments in the case of Virpal Singh Chauhan, Ajit Singh-I and Ajit Singh-II. The Tribunal had rightly interpreted the observations made by the Supreme Court in para 89 of the judgment in Ajit Singh-II. The non-protection of seniority gained by accelerated promotion was in the context of those SC/ST candidates, who had received accelerated promotion in excess of the quota reserved for the SC/ST, it was not for those who had been promoted within the quota reserved for SC/ST. The applicant was promoted to the grade of Rs.700-900 which is the base grade from 01.01.1984, whereas the private respondents i.e. general candidates had been promoted much later between 1989 and 1991. Further, the applicant was promoted to the next higher grade in 1997 and therefore, for selection to be held in 1998 for the post of Assistant Engineer, the general candidates could not be restored to their seniority as the applicant had already gone one level higher.



11. The learned counsel for the applicants also contended that even though the Principal Bench of the Tribunal had held the Railway Board's letter dated 15.5.98 as valid, the Railway Board itself had issued another letter dated 27.8.98 reiterating the principle

laid down in OA No.1469/97 decided on 31.3.98 by the Principal Bench that the five lines in the newly added para of 319 (A) are valid. Further, even in the letter of DOP&T dated 30th January, 1997 which was issued in pursuance of the judgment in the case of Union of India Vs. Virpal Singh Chauhan and which was the basis for the letter dated 28.02.97 of the Railway Board, it had been provided that the seniority gained upto 10.02.95 should not be revised or disturbed. Therefore, also since the applicant had gained the seniority much prior to 10.02.95 the seniority could not be revised. The applicant could not be held ineligible for appearing in the selection which was to be held in 1998.



During the course of the arguments, the learned counsel for the applicant also stated that the review petition had become infructuous in view of the 85th amendment of Constitution of India by which Article 16 (4) (a) is amended to provide for consequential seniority to SC/ST candidates in the matter of promotion. The applicant produced a copy of the amendment along with MP No.2001 filed on 24.01.2002 by this amendment, an enabling provision was allowed to be made to negate the effect of OM dated 30th January, 1997 of DOP&T with retrospective effect from 17.6.95.

13. The learned counsel for the review petitioners however, argued that this amendment was only an enabling

provision and cannot be relied upon by the applicants in the OA. The learned counsel for the applicants again mentioned about orders dated 21.01.2002 having been issued by the DOP&T in terms of the amendment to the Constitution negating the effect of the OM dated 30th January, 97 and produced a copy of the same. The review petitioners however, were not willing to accept the aforesaid OM. They took the stand that the DOP&T OM could not be applied in the case of the Railways. Judgment was reserved on the R.P. on 05.3.2002. Before the judgment could be delivered, the applicants produced Railway Board's letter dated 08.3.2002 issued on the same lines as the DOP&T OM dated 21.01.2002 deciding that the SC/ST Railway servants on their promotion by virtue of rule of reservation/ roster are entitled to consequential seniority also and the decision shall be effective from 17th June, 1995. The provisions contained in para 319 (a) of the IREM Volume-I as produced under letters dated 28.02.97, and 15.5.98 shall stand withdrawn and cease to have effect from 17.6.95. In view of this position also the review petition has become infructuous and therefore deserves to be rejected.

14. The learned counsel for the review petitioners once again filed MP pointing out that even if it is to be admitted that the Railway Board have issued the letter dated 08.3.2002 nullifying the effect of the

orders issued earlier on 28.02.97 and 15.5.98, still even in the present letter dated 08.3.2002 the Railway Board have prescribed the procedure for reviewing of the seniority and giving consequential benefits and there is a time frame laid down, and therefore, no order can now be passed by the court until the procedure laid down is followed.

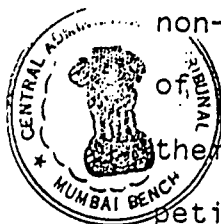
15. We have heard the learned counsel for the review petitioners and the respondents and also the interveners. The interveners' stand is almost the same as that of the review petitioners. The review petitioners have opposed the reliance on the Constitutional amendment and the subsequent letters issued by the DOP&T and the Railway Board on the ground that these were not available when the review petition had been filed. Therefore, the arguments have to be restricted only to the grounds taken in the review petition and the grounds raised in the OA. No new facts can now be considered in the review and even if they were to be considered, still, in view of the procedure laid down by the Railway Board and the time frame set, it would be premature to consider it at this stage. No doubt, these developments were not there when the review petition had been filed. Since the review petition was listed for hearing and had not been decided, the new fact of Constitutional amendment, though a later development needs to be noted. It being a Constitutional mandate, we cannot ignore it. It is very

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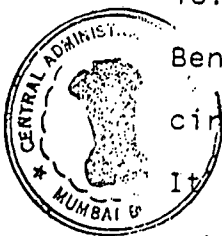
relevant and vital to the case as the amendment has been given effect from a retrospective date of 17.6.1995 and has a direct bearing on the R.P. This development certainly makes the R.P. infructuous.

16. We would however, still like to consider this review petition on merits also. The review petitioners have argued that the Tribunal has failed to appreciate the judgments of the Supreme Court in the case of Virpal Singh Chauhan, Ajit Singh-I and Ajit Singh-II. In our considered view, it is not so. The Tribunal had taken full note of the various judgments and the principles laid down in those judgments. In this connection para 18 of the judgment may be seen. Even Ajit Singh-II has been referred to and it has been stated that non-protection of seniority would apply when promotion of the SC/ST was in excess of the quota reserved for them. Even if this view is not acceptable to the review petitioners, this cannot be a ground for review as the review petitioners had been given ample opportunity to argue this point. Now they cannot reargue the same through this review petition.



17. As regards the letter dated 15.5.98 of the Railway Board being upheld by the Principal Bench of the Tribunal it is to be noted that while a mention had been made about some judgment having been passed by the Principal Bench in OA No.1491/98 during the course of the

hearing of the OA, the copy of the judgment had not been produced. What was before the Tribunal, was only the ad-interim order issued by the Tribunal staying the Railway Board circular dated 15.5.98. Therefore no cognizance is required to be taken of the judgment which has been produced after the OA was decided. However, OA No.755/98 was decided by Hon'ble Shri Kuldip Singh, Member (J) and one of us (Smt. Shanta Shastri, Member (A)). Shri Hon'ble Kuldip Singh also happened to be a Member of the Bench which decided the OA No.1491/98 and therefore, we cannot ignore it.



18. We take note of the judgment of the Principal Bench in OA No.1491/98 decided on 10.8.2000 holding the circular of the Railway Board dated 15.5.98 as valid. It is to be seen whether the aforesaid judgment would make any difference to the decision dated 30.3.2001 in the OA.

19. After the judgment of the Supreme Court dated 10.10.95 in Union of India Vs. Virpal Singh Chauhan, the DOP&T issued OM dated 30.01.1997 wherein it was decided that even if the SC/ST candidate is promoted earlier by virtue of rule of reservation/ roster than his senior general candidate and the senior general candidate is promoted later to the said higher grade the general candidate regains his seniority over such earlier promoted SC/ST candidate. Based on this letter

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of DOP&T the Railway Board also issued letter dated 28.02.1997 which has been reproduced in para 4 of the judgment in OA 1491/98. Para 4 of this letter reads as follows: "This will have effect from 10.02.1995 and will not disturb the seniorities decided earlier as per the rules in force at the relevant time". Thereafter, a portion of this letter was amended by the circular dated 15.5.98 which has also been reproduced in para 6 of the same judgment. Para 4 of this circular also reads as follows: "This will have the effect from the date of effect of original orders contained in this Ministry's letter dated 28.02.1997 and 10.02.1995". What was sought to be amended by this circular letter was only to do away with the distinction between the selection post and non-selection post. The rest of the letter of 28.02.1997 was not deleted, only the last five lines of para 4 of the letter were deleted. Thus, there was a specific advice not to disturb the seniority decided earlier to 10.02.1995. Even the OM dated 30.01.1997 of the DOP&T was made effective from the date of issue. Therefore, even though the circular of 15.5.98 had been upheld by the Principal Bench in the judgment in OA No.1491/98, it cannot change the decision in the OA. It does not make any difference as the applicant had already been senior to the general candidate prior to 10.02.1995.



20. More over as pointed out by the applicant in an

earlier judgment dated 31.3.98 in OA No.1469/97 of the Principal Bench of which Hon'ble Shri S.R. Adige was one of the Members, the Tribunal had clearly declined to interfere with the letter of 28.02.1997 holding that it was in conformity with the judgments of the Supreme Court. It had been pointed out therein that the judgment in the case of Jagdishlal had taken into consideration the judgment in the case of Virpal Singh Chauhan and Ajit Singh-I. At that relevant time the judgment in Ajit Singh-II had not been pronounced. The judgment was pronounced only on 16.9.99 much after the selection for the post of Assistant Engineer was to be held. This has been endorsed by the Railway Board in the letter dated 27.8.98. Thus the judgment in OA No.1491/98 which has now been produced along with the review petition, does not affect the judgment in the OA.



22. Therefore, in the light of the discussion and reasons recorded above, in our considered view, even on merits, no review is called for and the review petitions deserve to be dismissed and are dismissed accordingly. The MPs No.934, 972 & 964/2001 for staying the order and judgment dated 30.3.2001 are also dismissed. The review petitioners shall implement the judgment and order dated 30.3.2001 within a period of ^{two} months from the date of receipt of a copy of this order.

sd/-
(SMT. SHANTA SHASTRY)
MEMBER (A)

sd/-
(BIRENDRA DIKSHIT)
VICE CHAIRMAN

Gajan

Certified True Copy

Date... 24/4

[Signature]
Section Officer
Central Admn. Tribunal,
Bombay Bench