

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 969/1998

THIS THE 13TH DAY OF JUNE, 2002

CORAM: HON'BLE SMT. SHANTA SHAstry. . . MEMBER (A)
HON'BLE SHRI SHANKER RAJU. . . MEMBER (J)

1. M.P. Singh, Working as Group-D Employee in Railway Claims Tribunal P.D. Mello Road, Fort, Mumbai-400 001.
2. V.M. Patkar, Working as Group-D Employee in Railway Claims Tribunal P.D. Mello Road, Fort, Mumbai-400 001.
3. R.H. Doricha Group-D Employee in Railway Claims Tribunal P.D. Mello Road, Fort, Mumbai-400 001.
4. P. Ragbhavan Kutty, Group-D Employee in Railway Claims Tribunal P.D. Mello Road, Fort, Mumbai-400 001.
5. P.M. Shaikh, Group-D Employee in Railway Claims Tribunal P.D. Mello Road, Fort, Mumbai-400 001.
6. S. Lokanathan, Group-D Employee in Railway Claims Tribunal P.D. Mello Road, Fort, Mumbai-400 001.
7. Ram Shankar, Group-D Employee in Railway Claims Tribunal P.D. Mello Road, Fort, Mumbai-400 001.

By Advocate Shri G.S. Walia

Versus

1. Union of India, through General Manager, Western Railway, Headquarters Office, Churchgate, Mumbai-400 020.
2. Assistant Registrar, Railway Claims Tribunal, P.D'Mello Road, Fort, Mumbai-400 001. ... Respondents

By Advocate Shri V.S. Masurkar.

O R D E R (ORAL)
Hon'ble Smt. Shanta Shastray. Member (A)

In this OA, the applicants have prayed that they should be made entitled to hold lien in Open Line Department of Headquarters office of Western Railway and to consider them for promotion to Group-C service on that basis.

2. The applicants were initially recruited as substitute Hamals/ Safaiwalas i.e. Group - D. They were regularised as Group-D employees vide letters dated 26.8.1993, 11.8.1992 and 10.10.1997. According to the applicants, Group - D employees are entitled to be considered for promotion to Group-C in accordance with the rules as contained in the IREM volume-I. Further, they were not considered for promotion to Group-C post on the ground that they did not hold any lien in any of the Open Line Department of the Western Railways. In this connection, the respondents, in their reply have submitted that the Respondent No.1 - Chief Personnel Officer, Western Railway had been requested to provide lien and seniority to Group-D staff engaged directly by

RCP/Mumbai and the matter was referred to Railway Board, New Delhi vide letter dated 08.9.1998. According to the respondents, at the time OA was submitted, in the light of the aforesaid letter, the OA was premature. But we find that even today, the matter has not been decided i.e. even after four years. In our considered view, therefore, ends of justice will be met if a direction is given to the respondents to decide the issue of lien of the Group-D staff expeditiously. Accordingly we direct the Respondent No.1 to obtain the Railway Board's decision in this matter within a period of three months from the date of receipt of copy of this order and to inform the applicants. It will be open to the applicants to agitate the matter afresh in case they have any grievance against the order that may be passed as per law and rules. The OA is disposed of accordingly. We do not order any costs.

S. Raju

(SHANKER RAJU)
MEMBER (J)

Shanta 9-

(SMT. SHANTA SHASTRY)
MEMBER (A)

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dt 13/10/98
~~Order/Judgement despatched
to Applicant, Respondent (s)
on 21/10/98~~

[Signature]