

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: HYDERABAD BENCH AT
HYDERABAD

M.A.No. 521 of 1994

in

O.A.No. 739 of 1992

Between:-

1. V.A. Neelakanth,
S/o V.M.A. Mudaliar, aged about
31 years, Occ: Assistant Draftsman,
O/o the Chief Signal and Telecomm
(Construction), South Central Railway,
Secunderabad, R/o Secunderabad
2. Manjunath L Manja,
S/o Laxminarayana Manja,
aged about 32 years,
Occ: Asstt. Draftsman,
O/o the Chief Signal and Telecomm(Const),
South Central Railway,
Secunderabad, R/o Secunderabad.
3. K. Madhusudan, S/o K. Nageswara Rao,
aged about 33 years,
Occ: Asstt. Draftsman,
O/o the Chief Signal and Telecomm
(Const), South Central Railway,
Secunderabad, R/o Secunderabad.
4. S.F. Bodiliger, S/o Fakkarappa,
aged about 35 years, Occ: Asstt. D/Man,
O/o the Chief Signal and Telecomm
(Maintenance), South Central Railway,
Secunderabad, R/o Secunderabad.

... Petitioners/
Applicants

AND

1. Union of India represented by the
Secretary, (Establishment),
Railway Board, Railbhavan,
New Delhi.
2. The General Manager,
South Central Railway,
Railnilayam, Secunderabad.
3. The Chief personnel officer,
South Central Railway,
Railnilayam,
Secunderabad.
4. The Chief Signal and Telecomm Engineer,
(Construction), South Central Railway,
Railnilayam, Secunderabad.
5. The Chief Signal and Telecomm
Engineer(Maintenance), Railnilayam,
Secunderabad

... Respondents/
Respondents

MISCELLANEOUS APPLICATION FILED UNDER SECTION 27 OF THE ADMINISTRATIVE
TRIBUNALS ACT, 1985

The applicants herein filed the O.A. no. 739 of 1992 in this Honourable Tribunal questioning the provisional seniority list of Assistant Draftsman of S & T Department issued by the Respondent No.3 vide his proceedings dated 18.6.1991. The said O.A. was allowed by this Honourable Tribunal vide its judgement dated 29th January, 1993. In the said judgement, the respondents were directed to ~~raf~~ recast the impugned seniority lists of 1989 and 1991 in the light of the observations made by the Honourable Members and to assign proper places for the placants in the concerned seniority lists with all consequential benefits. The respondents were directed to comply with the directions within a period of three months from the date of the receipt of the order. The judgement was made ready on 3.2.1993. Three months' thereafter ended on 2.5.1993. But no action has been taken in implementation of the judgement of this Hon'ble Tribunal. If the judgement is implemented, the applicants herein would be entitled for promotion to the post of Sr. Draftsman/Head Draftsman by virtue of the correct seniority position that they are entitled to be assigned. Since the judgement is not implemented, persons who are far juniors to the applicants herein in the category of tracers are enjoying the benefit of promotion to the post of Asstt. Draftsman/Sr. Draftsman/Head Draftsman. The judgement in O.A. no. 594/90 dated 30.10.1992 was followed in allowing the O.A. no. 739/92. The Review Petition no. 131 of 1992 filed by the Railway Administration against the judgement of O.A. no. 594/90 was also dismissed. However, the SLPs nos: 15109, 15110 & 8596 of 1993 were filed in the Supreme Court of India against the judgements of this Honourable Tribunal in O.A.No. 593 of 1992 etc. Since the SLPs were filed in the Supreme Court of India, the contempt petition no. 9/93 filed in O.A. no. 594/90 was being adjourned from time to time. On the ground that the SLPs were filed in the Supreme Court of India, the judgement dated 29.1.1993

in the above O.A. was not being implemented by the respondents herein. Even though there is no stay granted by the Supreme Court of India in the SLPs filed by the administration, the respondents have not implemented the judgement of this Honourable Tribunal. In C.P.No. 9/93, this honourable Tribunal passed an order on 22.2.1994 directing the respondents to ensure that their order dated 30.10.1992 passed in O.A. no. 594/89 is complied with on or before 28th March, 1994. It is also observed therein that in implementation of the judgement, the respondents will be guided by the orders of the Supreme Court of India if any issued in the mean time in the SLP pending before the Supreme Court. When the SLPs came up before the Supreme Court of India on 4th March, 1994, special leave was granted in all the SLPs and the contempt proceedings alone were stayed. It was made clear in their order dated 4th March, 1994 that no orders on stay petition are passed. Therefore, it is abundantly clear that the implementation of the judgement of this Honourable Tribunal dated 29th January, 1993 in the above O.A. was not stayed. Only the contempt proceedings were stayed. Even though the judgement of this Hon'ble Tribunal is not suspended or stayed by the Hon'ble Supreme Court of India, the respondents are deliberately avoiding the implementation of the judgement of this Honourable Tribunal on the ground or the other. There is no reason whatsoever for the respondents to avoid or delay the implementation of the judgement of this Honourable Tribunal. Since the contempt proceedings alone are stayed by the Honourable Supreme Court of India the respondents are liable to implement the judgement of this Hon'ble Tribunal, without any further delay. In fact, it was not open to the respondents to sit tight over the judgement on the ground that they filed SLPs in the Supreme Court of India. Non-implementation of the

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by judgement of the respondents is deliberate, wilful and malafide. Having lost a Revision Petition filed in this Honourable Tribunal and also in view of the fact that the Supreme Court of India did not grant any stay of implementation of the judgement of this Honourable Tribunal, the respondents cannot avoid implementation of the judgement on any ground. Since the judgement of this Honourable Tribunal, is not implemented by the respondents, the applicants are to be put to heavy loss monetarily and also in the matter of promotions.

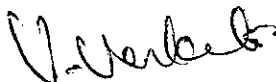
Hence, it is prayed that this Honourable Tribunal may be pleased to direct the respondents to forthwith implement the judgement of this Honourable Tribunal dated 29.1.1993 in O.A. no. 739 of 1992 and pass any other order or orders as is deemed fit, proper, necessary and expedient in the circumstances, of the case.

VERIFICATION

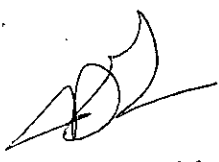
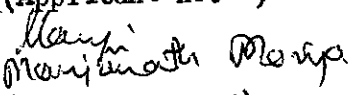
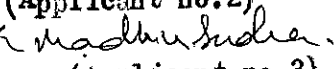
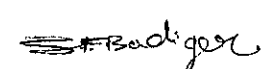
We, V.A. Neelakanth, S/o V.M.A. Mudaliar, aged 33 yrs, Manjunath L Manja, S/o Laxminarayana Manja, aged 34 years, K. Madhusudhan, S/o K. Nageswara Rao, aged 33 years, S.F. Badiger, S/o Fakkarappa, aged 35 years, Occupation: Assistant Draftsman, in the office of the Chief Signal and Telecomm (Construction/Maintenance), South Central Railway, Secunderabad, residents of Secunderabad, the applicants no. 1,2,3, & 4 respectively herein, do hereby verify that what is stated in the above paragraphs are true and correct and to the best of our knowledge, belief and information.

Hyderabad,

Dated 5/4/1994


Counsel for the Petitioners

(Applicants)

- 1) 
V.A. NEELAKANTH
(Applicant no.1)
- 2) 
Manjunath Manja
(Applicant no.2)
- 3) 
K. Madhusudhan
(Applicant no.3)
(K. MADHUSUDHAN)
- 4) 
S.F. Badiger
(S.F. Badiger)
(Applicant no.4)
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