
Date of Decision: 13.4.94.

OA 224/93

R.G. GAUTAM AND ANR.

... APPLICANTS.

Vs.

UNION OF INDIA AND OTHERS

... RESPONDENTS.

CORAM:

HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

HON'BLE MR. B.B. MAHAJAN, ADMINISTRATIVE MEMBER.

For the Applicants

... SHRI J.K. RAUSHIK.

For the Respondents No.1,
2 and 3

... SHRI MANISH BHANDARI.

For Respondents No.4 to 25

... SHRI S.K. JAIN.

PER HON'BLE MR. B.B. MAHAJAN, MEMBER (A).

Heard the learned counsel for the parties. In order dated 16.2.92 (Annexure A-5) the following directions were given :-

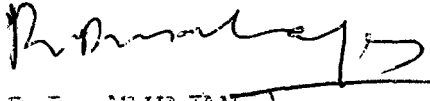
"In view of the above, we dispose of these applications with the direction to the respondent Railway Authority to recast the seniority of Guard Gr.C circulated by letter dated 1.6.90 in accordance with the rule as contained in Rule 302 of the Indian Railway Establishment Manual Vol.I, 1969 Edition, as clarified by the General Manager, Western Railway letter dated 21.5.90. It is clarified that the benefit of notional fixation of seniority as visualised in the General Manager's letter dated 21.5.90 will be available only to those employees who had been sent for training at a later date on administrative ground and not to those who had been sent on training later because of any personal reasons. The benefit would also not be available to those who did not pass the examination in the Training School in the first attempt. The seniority list should be recast in the light of these directions as expeditiously as possible by following the due procedure. The OAs are disposed of accordingly. Parties to bear their own costs."

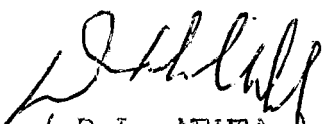
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The respondents have subsequently revised the seniority list vide order dated 24/30.3.93 (Annexure A-1). In that letter reference has also been made to the instructions contained in the communication from the Headquarters dated 23.10.91 (Annexure A-6). Grievance of the applicants is that in accordance with the instructions dated 23.10.91, even those employees who had

been sent on training at a later date on personal reasons have been given the benefit of seniority. The learned counsel for the respondents has stated that no particulars of any such person who had been sent on training later because of personal reasons has been given.

2. In view of the above, we dispose of this OA by issue of directions to the respondents No.1 to 4 to re-examine the seniority list (Annexure A-1) and in case any of the employees who had been sent on training later due to personal reasons has been given the benefit of higher seniority, his seniority may be reviewed after following the prescribed procedure. The applicants should also supply a list of such persons to the DRM Kota in reply to the notice dated 24/30.3.93 (Annexure A-1), in which representations had been invited. Any fresh representation ^{indicating} ~~undertaking~~ the names of employees who had been sent on training for personal reasons shall be made within a period of one month of this order and the same, if made within this period, shall be considered by the respondents.


(B.B. MAHAJAN)
MEMBER (A)


(D.L. MEHTA)
VICE CHAIRMAN