

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 06.12.96

OA 588/96

1. All India SC/ST Railway Employees Association, Western Railway, Ajmer Division, through its Secretary Shri I.L. Meena, having its office near Railway Station, Ajmer.
2. Ram Singh, Secretary, Workshop, All India SC/ST Association, Western Railway, Ajmer.
3. B.S.Jyotiyan, Chief Clerk in the office of the Chief Works Manager, Western Railway, Jaipur.

... Applicants

Versus

1. The Union of India through General Manager, Western Railway, Churchgate, Bombay.
2. The Divisional Railway Manager, Western Railway, Ajmer.
3. Chief Works Manager, Ajmer Workshop, Western Railway, Ajmer.
4. Dy Controller of Stores, Western Railway, Ajmer.

... Respondents

CORAM:

HON'BLE MR.GOPAL IRISHIA, VICE CHAIRMAN

HON'BLE MR.O.P.SHARMA, ADMINISTRATIVE MEMBER

For the Applicants

... None

For Respondents No.1 and 3

Mr. Mansih Bhandari

For Respondents No.2 and 4

... Mr.U.D.Sharma

O R D E R

PER HON'BLE MR.GOPAL IRISHIA, VICE CHAIRMAN

Applicants, named above, have filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying therein for the following reliefs :-

"i) That the respondents may be directed not to revise the seniority of the members of SC and ST to their detriment till a final decision is taken by the Railway Board after completely understanding the different judgements of the Hon'ble Supreme Court such as case of R.K.Sabharwal, Veerpal Singh, Ajit Singh Januja and Akhil Bhartiya Shoshit Karamchari Sangh;

ii) That the respondents may be directed that members belonging to SC and ST working in the Ajmer Division of Western Railway, Workshop and Stores, Western Railway, Ajmer shall not be reverted only on the ground of their changed seniority or on the ground that promotions were given to them in excess earlier;

iii) That the directions may be issued to the respondents that while fixing seniority and while determining the placement of SC and ST employees on a post, judgement of the Akhil Bhartiya Shoshit Karamchari Sangh reported in JT 1996(3) SC 2748 may also be

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followed;

iv) Any other appropriate order or direction which the Hon'ble Court thinks just and proper in the facts and circumstances of the case, even which has been not specifically prayed for may kindly also be issued in favour of the applicants."

2. None is present for the applicant even in the second round. We have heard Mr.Manish Ehandari, counsel for respondents No.1 and 3, and Mr.U.D. Sharma, counsel for respondents No.2 and 4, and have perused the records.

3. A perusal of the averments made by the applicants indicates that this application is based on the apprehension of the applicants that the respondents in general and respondents No.2 and 3 in particular may revise the seniority position assigned to the members belonging to the SC/ST community in the lower side and such employees belonging to SC/ST may be reverted as a consequence. The apprehension of the applicants is stated to be genuine for the reason that an order was passed on 10.10.96 by the office of respondent No.1, wherein it has been provided that decisions are required to be taken following the judgements passed by Hon'ble the Supreme Court in the cases of P.F.Sabharwal, Veerpal Singh Chauhan and Ajit Singh Januja. Applicants have not supported their averments by filing any order passed by the respondents in regard to the aforesaid matter. We are of the view that the present application is misconceived. It is , therefore, dismissed at the stage of admission with no order as to costs.

(O.P.SHARMA)

ADMINISTRATIVE MEMBER

CAKIRNE
(GOPAL KRISHNA)
VICE CHAIRMAN

VK