

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA 406/99 with MA 68/2000

DATE OF ORDER : 8.8.2003

Ganesh Narain Sharma, Maheveer Singh, Dinesh Kumar Pilaniya,
Radha Mohan Mathur and Kailash Narain Meena.

All applicants are working as T.C under Sr. Divisional
Personnel Officer, Western Railway, Jaipur.

.... Applicants.

VERSUS

1. The Divisional Railway Manager, District Western Railway, Jaipur.
2. Sr. Divisional Personnel Officer, Western Railway, Jaipur.
3. Dushyant Raj Sharma, TTE, Office of CTI, Ajmer, Jaipur Division.
4. Ashok Kumar Jain, T.C., Office of CTI, LTT, Ajmer, Jaipur Division.

.... Respondents.

Mr. P.P. Mathur, Counsel for the applicant.

Mr. Tej Prakash Sharma, Counsel for the respondents.

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

Hon'ble Mr. A.K. Bhandari, Member (Administrative)

ORDER (ORAL)

The applicants, five in numbers, who are working as T.C. under the Railways have filed this OA whereby praying for the following reliefs:-

- "(i) Quash and set aside the seniority list dated 30.10.1998, or in alternative direct it to be rectified to the extent that names of applicants be placed over and above Dushyant Raj Sharma whose name appeared at sr. No. 23. The applicants in any case be placed above the persons whose name is shown between Sr. No. 23 to 77, in the seniority list dated 30.10.1998.
- (ii) That the eligibility list dated 19.7.1999, of the Sr. Ticket Collector/TTE eligible for promotion for the grade of 4000-5000 Sr. TTE be quashed and a fresh list be issued after according the proper seniority to the applicant in accordance with the relief prayed in the Clause I here in above.
- (iii) That the applicant be directed to be promoted to higher posts from the date from which the senior most person like Dushyant Raj Sharma has been granted the benefit of promotion. Consequential benefit accorded there to may also be directed to be paid to the applicants together with the interest at the rate of 18 percent p.a.
- (iv) That respondents be directed not to make any promotion on the basis of the impugned seniority list dated 30.10.1998.

12

(v) Any other order or relief which this Hon'ble Tribunal deems fit and proper may think in favour of the applicant may please be awarded.

(vi) The OA may kindly be allowed with costs."

2. Notices of this application was given to the respondents. The respondents have also filed detailed reply.

3. During the pendency of this OA, This Tribunal vide order dated 25.4.2003 passed in OA No. 24/2000, Prem Chand Saini vs. Union of India & Others, while clarifying the earlier judgement has held that the seniority for the post of Ticket Collector should be prepared strictly as per the date of joining of the respective persons in Jaipur Division obviously maintaining the inter-se seniority of the direct recruits as per merit position. The respondents were further directed to review the promotions already made on the basis of the impugned seniority list dated 18.3.1999, which was quashed by this Tribunal.

4. In view of this subsequent development, the learned counsel for the applicants submits that part of the grievances of the applicants have been redressed. The learned counsel further submits that in view of the order passed by this Tribunal in OA No. 529/94 decided on 22.2.2000 G.K. Gandhi & Others vs. Union of India & Others, the applicants are entitled to the benefit of past service for the purpose of seniority which the respondents have not granted to them.

5. At this stage, we deemed it proper to direct the applicants to make a representation to the competent authority drawing their attention to the decision of this Tribunal in OA No. 529/94 decided on 22.2.2000 G.K. Gandhi & Others vs. Union of India & Others, and the competent authority should decide the representation with reasoned and speaking order.

6. Accordingly, it is directed that in case the applicants make such representation within two weeks from today, the respondents will decide the same by speaking & reasoned order within a period of one month from the date of receipt of the representation. In order to avoid delay, the applicants shall make representation by Speed Post alongwith certified copy of this order.

4

4

7. With these observations, the OA is disposed of with no order as to costs.

8. MA No. 63/2000 having become infructuous is disposed of accordingly.

~~X 131 ✓~~
(A.K. BHANDARI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)