

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.470/2000

Date of order: 30.10.2000

Om Prakash S/o Shri G.P.Sharma, R/o Near Dorai Railway Station,  
Pipon Ki Factory ke Pass, Ajmer working as J.E.N. Grade-I,  
T.No.60707, B.T.C., Loco Workshop, Ajmer.

...Applicant.

Vs.

1. Union of India through General Manager, Western Railway, Church Gate, Mumbai.
2. The Chief Works Manager, Railway Loco Workshop, Ajmer.
3. Shri Vijay Kumar, J.E.N. Grade-II, T.No.18442, Machine Shop (PCO, Loco Workshop, Ajmer.
4. Shri Vijar Kumar, J.E.N. Grade-II, T.No.18405, Machine Shop (PCO, Loco Workshop, Ajmer.

...Respondents.

Mr.S.K.Jain - Counsel for applicant.

Mr.P.V.Calla - Counsel for respondents Nos. 3 and 4.

CORAM:

Hon'ble Mr.Justice Ashok Agarwal, Chairman

Hon'ble Mr.N.P.Nawani, Administrative Member

PER HON'BLE MR.JUSTICE ASHOK AGARWAL, CHAIRMAN.

Heard Shri S.K.Jain, counsel for the applicant and Shri P.V.Calla, counsel for respondents Nos. 3 and 4. The present OA is heard in the absence of respondents Nos. 1 and 2 whose notices are yet to be received after services. The OA is taken up in the absence of respondents Nos. 1 and 2 at the instance of Shri P.V.Calla appearing for respondents Nos. 3 and 4 on the ground that the applicant has procured an ad-interim order which according to Shri Calla is adversely affecting respondents Nos. 3 and 4.

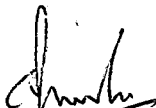
has


2. By the present OA, the applicant, impugned a communication dated

12th September, 2000 (Ann.AI); the same is addressed not to the applicant but to respondents Nos. 3 and 4. Respondents Nos. 3 and 4 had earlier filed OA No. 441/98 which was disposed of by an order passed on 18th August, 99 whereby representation of respondents Nos. 3 and 4 is directed to be disposed of by a detailed speaking order. The order further provides that in case seniority of respondents Nos. 3 and 4 adversely affects to the seniority of the applicant, the applicant should be issued a show-cause notice and he should be given an hearing before an adverse order is passed against him. As far as the impugned communication dated 12th September, 2000 is concerned, the same is addressed not to the applicant but to respondents Nos. 3 and 4. The applicant cannot, therefore, make an exception to the aforesaid communication specially when no final decision has been taken vis-a-vis the seniority of respondents Nos. 3 and 4 with that of the applicant.

3. The present OA, in the circumstances, is disposed of <sup>by</sup> reiterating the directions already contained in the order of 18th August, 1999 in OA No. 441/98 namely, in case the seniority of respondents Nos. 3 and 4 is to adversely affect the seniority of the applicant, the same will be done after issue of a show-cause notice and after giving the applicant an opportunity of being heard. The directions contained in the order of 18th August, 1999 were to be complied with within a period of two months from the date of receipt of a copy of the order. In the circumstances, respondents are directed to comply with them expeditiously and in any event within a further period of two months from the date of receipt of this order. Pending orders to be passed after hearing to the applicant as indicated. <sup>present</sup> The posting of the applicant will not be adversely affected.

4. No order as to costs.

  
(N.P. NAWANI)  
Adm. Member

  
(ASHOK AGARWAL)  
Chairman