

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 18.11.2004

OA No.333/2003

1. Manoj Mishra s/o Shri Shyam Sunder Mishra, aged about 42 year r/o House No. 98, Ward No. 11, Shaligram Bhawan, Brahampuri, Ajmer, presently working as Station Master, Mangaliawas, North Western Railway, Ajmer Division, Ajmer.
2. Kirti Bhargave s/o Shri Uma Shankar Bhargava, aged about 42 year r/o D.H.Building, Hathi Bhata, Ajmer and presently working as Station Master, Madar, North Western Railway, Ajmer Division, Ajmer.

.. Applicants

Versus

1. Union of India through the General Manager, North Western Zone, North Western Railway, Jaipur
2. Divisional Railway Manager, North-Western Railway, Ajmer Division, Ajmer.
3. Shri Balram Das Baidgel, Station Superintendent (Planning), O/o the Divisional Railway Manager, North-Western Railway, Ajmer Division, Ajmer.
4. Shri Attu Khatri, Instructor, Area Training School, North Western Railway, Kutchari Road, Ajmer.

..Respondents

Mr. C.B.Sharma, counsel for the applicants.

Mr. U.D.Sharma, counsel for the respondents.

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDICIAL)

HON'BLE MR. A.K.BHANDARI, MEMBER (ADMINISTRATIVE)

O R D E R (ORAL)

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The applicants have filed this OA thereby praying for the following reliefs:-

- "(i) That respondents may be directed to assign seniority to the applicants below the last candidate selected in the year 1985 in the scale Rs. 455-700 and above the officials in the scale Rs. 425-640/330-560 like respondent No.3 and 4 with all consequential benefits including seniority/promotion in the higher scales from the date junior so allowed.
- ii) That the respondents be further directed to place the names of the applicants in the eligibility list dated 31/3/2003 to the scale of Rs. 6500-10500 (Annexure A/13) at appropriate place instead of serial No.122 and 125 and further interpolated the names of the applicants in the eligibility list dated 27/3/2003 (Annexure A/12) to the scale of Rs. 7450-11500 at appropriate place for promotion in higher scales.
- (iii)
- (iv)"

2. The grievance of the applicants is regarding fixation of their seniority. The applicants have earlier filed an OA which was registered as OA No.67/97 and was decided vide order dated 30.10.2002. While disposing of the OA in para 13, this Tribunal has made the following observations:-

"13. The learned counsel for the respondents contended that the seniority of the applicants should be directed to be maintained. The seniority of the applicants obviously shall now be in the pay scale of Rs. 1400-2300. This Tribunal cannot direct the respondents to keep the seniority of the applicants intact in the higher pay scale. In any case, if the

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applicants are aggrieved of the placement of their position in the seniority list of the relevant grade, they are at liberty to challenge the order by filing a fresh OA."

2.1 Pursuant to the aforesaid observation made by this Tribunal in the earlier OA, the applicants preferred representation dated 5.11.2002 (Ann.A1) followed by another representation dated April, 2003 (Ann.A11) whereby it has been stated that their seniority may be fixed below junior most SM in the grade of Rs. 455-700 and above the senior most SM in the grade of Rs. 425-640 at the time of absorption after completion of training on 31.8.89.

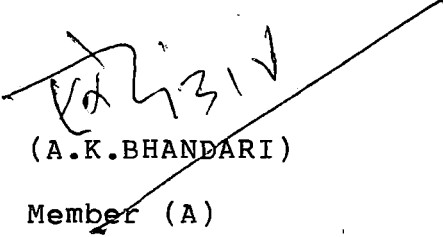
3. Notice of this application was given to the respondents. The respondents have filed reply. In the reply it has been stated that the representations of the applicants are still pending and the same have not been decided. However, on merits, the respondents have opposed the claim of the applicants. The learned counsel for the applicants submits that he will be satisfied at this stage if direction is given to the respondents to decide their representations dated 5.11.2002 (Ann.A1) and dated April, 2003 (Ann.A11).

4. In view of what has been stated by the learned counsel for the applicants, we are of the view that it will be in the interest of justice if direction is given to the respondents to decide representations of the applicants dated 5.11.2002 (Ann.A1) read with another representation dated April, 2003 (Ann.A11). Accordingly, respondent No.2 is directed to pass appropriate order on the aforesaid representations of the applicants within six weeks from the date of receipt of a copy of this order by giving speaking and


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reasoned order.

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


(A.K.BHANDARI)

Member (A)


(M.L.CHAUHAN)

Member (J)