

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR
BENCH
JABALPUR

O.A. No. 196 of 2006

Jabalpur, this the 29th day of March, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

Vivek Kumar Tiwari & 5 others. Applicants

(By Advocate – Shri Arup Kumar Das)

VERSUS

Union of India & 3 others. Respondents

(By Advocate – Shri M.N. Banerjee, Standing Counsel for the
Railways)

ORDER (Oral)


By G. Shanthappa, Judicial Member –

The above application is filed under Section 19 of the Administrative Tribunals Act, 1985, with the following main reliefs :

“2. That, provisional seniority list (Annexure A-1) of Junior Engineer-I (P-Way) issued by the respondent No. 2, Chief Personnel Officer, South East Central Railway on dated 19.5.2005 may kindly be quashed, .

3. That, promotion order (Annexure P-2) of respondents No. 3 & 4 to the post of Junior Engineer-I (P-Way) in the pay scale of Rs. 5500-9000/- w.e.f. 1.11.2003 may also kindly be quashed.”

2. The applicants are challenging the impugned orders at Annexure A-1 and Annexure A-2 which are provisional seniority lists. They have submitted all the representations to the provisional seniority lists on 16.9.2004, 10.11.2004 and subsequently they have given reminders as per Annexure A-9 dated 6.12.2005 and its enclosures. All these representations are enclosed with the OA from page Nos. 38 to 53. The said representations are pending with the



respondents for a long time. The respondents have directed the applicants and other two respondents to submit the representations on the provisional seniority list within 7 days from the date of issuance of the letter but so far they have not taken any decision on the said representations. The said provisional list was prepared as on 1.9.2004. Even in the 2006 they have not taken any decision regarding final seniority list.

3. The relief sought, for quashing the provisional list cannot be granted at this stage. Hence, we mould the relief only to give direction to the respondents to consider the representations which are enclosed collectively at Annexure A-9.

4. At this stage the learned counsel for the respondents Shri M.N. Banerjee has opposed the application, has requested for rejection of the application as it is not maintainable as premature. We considered the objection of the learned counsel for the respondents.

5. We see from the impugned order at Annexure A-1 that the DPO has signed the letter on 13.12.2004. The submission of the applicants that they have submitted their representations to the provisional seniority list on 16.9.2004 and 10.11.2004 i.e. prior to the issuance of the letter cannot be possible as Annexure A-1 is dated 13.12.2005. Hence, it is not clear as to whether the applicants have submitted their representations to the impugned provisional seniority list that is not shown in the application. However, we are of the view to direct the respondents to consider the representations at Annexure A-9 and pass a speaking, reasoned and detailed order.

6. Since the respondents have taken so much time for deciding the representations and the applicants were waiting for the decision of the representations, we give direction to the respondents to take a decision on the said representations of the applicants filed at Annexure A-9 within a period of three months from the date of receipt of a copy of



7. Registry is directed to supply the copy of memo of parties to the concerned parties while issuing the certified copies of this order.


(G. Shanthappa)
Judicial Member


(Dr. G.C. Srivastava)
Vice Chairman

"SA"

पृष्ठंकन सं ओ/प्या..... जवतपुर, दि.....

पुलिहिलिपि राजे दिलः—

- (1) सखिज, उधवा, जगन्नाथन चार हरासिंहस्थान, भवतपुर
(2) अक्केरा श्री श्रीमती गुरु के काउंसल
(3) एल्लारी श्री श्रीमती गुरु के काउंसल
(4) वांयपाल, एल्लारी, जगन्नाथन चार हरासिंहस्थान, भवतपुर
सखिज एवं अक्केरा चार हरासिंहस्थान, भवतपुर

८-३/३ जय शिखरदास

Am P. K. Das
B.N. Das
M. K. Banerjee
D.N. Das

31.3.06