

**CENTRAL ADMINISTRATIVE TRIBUNAL**

JABALPUR BENCH, JABALPUR

Carav Building 15, Civil Lines, Post bag No. 6, JABALPUR—482001

Dated...12/07/06

Registration No.....CCP 20/06 in OA 810/04

Hiralal Bambhal.....Applicant (S)

VERSUS

R.K.Rao.....Respondent (S)

A copy of the ORDER dated 10.7.06 passed by the Hon'ble Tribunal in the above mentioned case is forwarded herewith for necessary action.

To,

10.7.2006

Shri A.N. Bhatt alongwith Shri C.P.

Laskare, counsel for the applicant.

Shri Y.I.Mehta, Sr.Adv. alongwith Shri A.S. Chouhan counsel for the respondents.

Vide order dated 17.11.2005 passed in OA No.810/04 the respondents were directed to re-examine the seniority of the applicant vis-a-vis the direct recruits in accordance with the various provisions referred to in particular the decision of the Supreme Court in Vijaynt's case and the decision of the Jodhpur Bench in the case of Madan Lal Vs.UOI in OA No.404 of 1992 decided on 22.12.98 and to take a decision in this regard after giving an opportunity to the direct recruits. The respondents were also directed that while considering the reply from various interested persons in respect of the opportunity having been given, the Railway Administration is required to follow the law laid down by the Supreme Court in this regard. The respondents were further directed to comply with the aforesaid directions within 4 months from the date of receipt of a copy of this order. The learned counsel for the respondents has filed counter reply supported by an affidavit. The learned counsel for the applicant has also argued



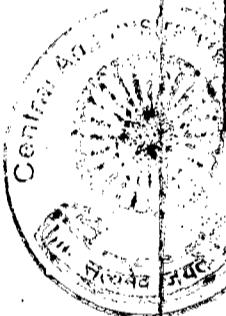
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that this Tribunal on 18.4.2006 has observed as follows :-

"However, it appears from the order dated 23.1.2006, that the above order has not been complied with, instead it has been stated by the respondents that the case of Vijayan or Madan Lal does not apply to the facts of the present case".

We have considered the crucial aspects of the matter and we are of the considered view that this Tribunal cannot sit as a court of appeal over the findings arrived at by the competent authority while considering the applicant case. We may only see that whether the order has been complied with or not.

Since the respondents have taken the action in pursuance to our direction given in OA NO.810/04 and considered the case of the applicant. We do not find merit in the present CCP. Accordingly, the same is dismissed and the ~~xxx~~ notices are discharged. However, liberty is granted to the applicant to file a



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fresh OA, if he still feels aggrieved.



In view of the above, the present  
CCP is dismissed.

Sd/-

(A.K.Gaur)  
Judicial Member

Sd/-

(Dr.G.C.Srivastava)  
Vice Chairman

True copy

PWD  
12-7-06

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To,

① Shri A.N. Bhatt, Advocate, Patiala  
② Shri Y.I. Mehta, Advocate

Indore (M.P.)

Copy received  
by Encl  
13/7/06

Copy received  
on 13/7/06  
Council for Rep.)