

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT COURT SITTING : INDORE

Original Application No.165 of 2005

Indore, this the 19th day of October, 2005

Hon'ble Shri M.P.Singh - Vice Chairman
Hon'ble Shri Madan Mohan - Judicial Member

1. Pravin Kumar Gautam, Rly.Qr.No.1585/A,
Road No.10, Old Rly Colony, Ratlam.
 2. Chhaila Ram Chouhan, House No.34,
Deora Dev Narain Colony, Ratlam
- APPLICANTS

(By Advocate - Shri S.L.Vishwakarma)

Versus

1. Union of India through General Manager,
Western Railway, Church Gate Bombay.
 2. Divisional Railway Manager, Western Railway
Ratlam.
 3. Mangal Chand Jakhad, Guard-Keshav Nagar,
Near Neelganga Police Station, Ujjain.
 4. Hitendra Kumar Gupta, House No.12,
Lane No.2, Jhalani Colony, Ratlam.
 5. Bhag Chand Sabnani, Rly.Qr.No.56/L,
Road No.10, Old Rly Colony, Ratlam
- RESPONDENTS

(By Advocate - Shri Y.I.Mehta, Sr.Adv.along with Smt.S.H.Mehta)

O R D E R (Oral)

By M.P.Singh, Vice Chairman.-

By filing this Original Application, the applicants have claimed the following main relief:-

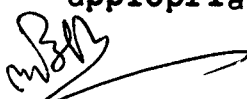
"8.....to order respondents Nos. 1 & 2 to:

8.1 Redetermine the seniority of the applicants according to the judgment dated 24.11.04 of Hon'ble High Court (Annexure-A-8) without any further loss of time.

8.2 Review and revise the panel notified on 5.8.04 (Annexure-A-7) for the post of Guard Passenger Scale Rs.5000-8000 (RSRP) by re-allocating marks of seniority as per rules.

8.3 Delete the names of in-eligible persons who have been placed on the panel of Guard Passenger, Scale Rs.5000-8000(RSRP) on the authority of seniority which was subjudice before Hon'ble High Court and in which case Hon'ble High Court had passed interim orders on 9.10.2002 (Annexure A/5) without giving such ineligible persons any protection/consideration, keeping in view the size of the panel.

8.4 Interpolate the names of the applicants at appropriate place as per rules of selection."



2. The brief facts of the case are that the applicants have claimed seniority over the private-respondents 3 to 5. During the pendency of this OA, the respondents have revised the seniority of the applicants on the post of Goods Guard and have granted them the due seniority and, therefore, the prayer of the applicants made at relief clause 8.1 quoted above, has been granted by the official respondents. With regard to prayer at relief clause 8.3, the learned counsel for the applicants does not press the same. The only prayer which remains to be considered is with regard to revision of the panel, which was notified on 5.8.2004 for the post of Guard Passenger (Rs.5000-8000).

3. Heard the learned counsel of parties and perused the records. We have also considered the rival contentions of both the parties.

4. It is not in dispute that the applicants have also participated in the selection for which the panel of 5.8.2004 was prepared/finalized. Keeping in view the facts and circumstances of the case, we direct the respondents that if the applicants are found suitable in the selection made for the post of ^{passenger} ~~Goods~~ Guard on 5.8.2005 (Annexure-A-7), the applicants be also considered for appointment as per their seniority with reference to their immediate junior and the panel dated 5.8.2004 (Annexure-A-7) be revised accordingly, and thereafter, the applicants be granted all consequential benefits, within a period of three months from the date of communication of this order.

5. In the result, the OA is disposed of in the above terms. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman