

Central Administrative Tribunal, Jabalpur Bench, Jabalpur

Original Application No. 690/2003

Jabalpur, this the 3rd day of November, 2004

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

1. Akilluding Jamali, aged abosut 43 years S/o Shri K. Jamali, Goods Driver, Resident of Q.No.107-RB-II Railway Colony, West Central Railway Guna(MP)
2. Kishore Singh S/o Shri Bhagwan Singh, aged about 44 years, Goods Driver, Resident of Achwal ward Ward, District Sagar(MP)
3. Malhare Meena, aged about 41 years, Goods Driver, C/o Loco Foreman Guna Distt. Guna(MP).
4. Raj kishore Sahu aged about 44 years S/o Shri V.D. Sahu Goods Driver, C/o Loco Foreman Guna, Distt. Guna(MP).
5. Man Mohan aged about 41 years S/o Shri Ram dayal, Goods Driver, C/o Loco Foreman Bina, Distt. Sagar (M.P.)
6. Hari Ram aged about 51 years S/o Shri Bhagwan dass, Goods Driver, Resident of Type G-5-B Railway Colony Bina, Distt. Sagar(MP)

(By Advocate – Shri L.S.Rajput)

Versus

1. Union of India, Through,
General Manager, West Central Railway
Near Railway Station,
Indria Market Jabalpur(MP)
2. Divisional Railway Manager,
West Central Railway,
Habibganj – Bhopal(MP)
3. Senior Divisional Personnel Officer
West Central Railway,
DRM's Office, Habibganj-Bhopal
(MP)

Respondents

(By Advocate – Shri S.P.Sinha)

ORDER**By M.P.Singh, Vice Chairman -**

By filing this OA the applicant has sought the following main reliefs :-

“(b) Quash the impugned orders ANN.A-1, A-2, A-3, A-4, A-5, A-6, and ANN.A-7 to the extent they are against the applicants, holding them ab-initio-void arbitrary, illegal & against the rules.

© Hold that orders dated 22.6.95(ANN.A-8) &(ANN.A-11) dated 22.6.03 are legal & proper as per rules & the respondents should place the applicants at the appropriate place in the seniority list of Goods-drivers.

(d) Quash any other order or orders passed by the respondents against the interest of applicants, during the pendency of this application”.

2. Heard the learned counsel of both the parties.

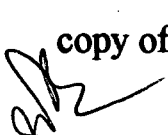
3. The learned counsel for the applicants has stated that the seniority of the applicants has been changed on number of occasions as and when they were due for promotion. Their seniority has been changed and they have been deprived of their promotion to the next higher grade. He has also submitted that this is the second round of litigation. Earlier they have filed O.A.136/1996 and Tribunal vide its order dated 21.3.2002 (Annexure-A-9) has specifically directed the respondents that they shall consider to restore the seniority of the applicants as assigned to them in terms of letter dated 22.6.1995(Annexure-A-8) and shall consider them as per the extant rules keeping in view the seniority of the applicants & pass detailed and speaking order. In pursuance of these directions, the respondents had finalized the seniority of the applicant correctly vide order dated 12.6.2003. Thereafter, the respondents have again passed an order for extraneous reasons on 21.8.2003 (Annexure-A-1) reversing the position again ^{by} depressing the seniority of the applicant. The learned counsel for the applicants has further submitted that after the



seniority of the applicants was fixed in pursuance of the directions of the Tribunal, that seniority has not been followed by the respondents and their position has been reversed by issuing the order dated 21.8.2003 and in the meantime the respondents have made certain promotions of the employees who were junior to them. He has submitted that these promotions should be treated as provisional.

4. On the other hand, the learned counsel for the respondents has stated that the seniority of the applicant was fixed on the basis of the letter dated 6.6.1988. In fact, according to the learned counsel for the respondents, it was simply a panel ^{drawn by the respondents' representation, 2}. The persons included in the said panel were to be utilized for future vacancies. ~~In fact,~~ this letter was treated as a seniority and all the mistakes have been crept up because of misreading of this letter.

5. We have considered the rival contentions carefully and we find that the respondents have changed the seniority of the applicants with reference to their juniors and seniors many times. The seniority list issued in pursuance of the direction given by the Tribunal on 21.3.2002 in OA 135/1996 has again been changed by the respondents by issuing the impugned letter dated 21.8.2003 and the seniority assigned to the applicants as per the direction of the Tribunal has again been depressed by the respondents. In the circumstances, we are of the considered view that ends of justice would be met if we direct the General Manager of West Central Railway, Jabalpur to personally look into this matter and decide all the issues raised by the applicants and take a final decision, if necessary by giving the applicants a personal hearing and thereafter pass a detailed speaking and reasoned order within three months from the date of receipt of a copy of this order. Order^{ed} accordingly.



(Madan Mohan)
Judicila Member

(M.P. Singh)
Vice Chairman

Rkv.

પૃથાંકન સં. ઓ/જ્યા.....જાન્યારી, દિ.....

पुनर्विचार: अर्थात् पुनर्विचार

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Issued
on 10.11.04
by