

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT CAMP : INDORE

Original Application No.221 of 2001

Indore, this the 13th day of April, 2004

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

1. Hiralal Babulal, aged 46 years, Diesel Assistant, r/o 34, Rajiv Nagar, Ratlam MP, under CTCC Ratlam.
  2. Mukesh Nagar, Aged 40 years, Diesel Assistant, under CTCC Ratlam, R/o 197, Gandhi Nagar, Ratlam MP
  3. Daulatram s/o Onkarlal, aged 36 years, Diesel Assistant, R/o P&T Colony, Laxmanpura, Ratlam MP.
  4. Ramchhodlal Devram, Aged 40 years, Diesel Assistant, R/o 228-C, Alkapuri, Ratlam MP
  5. Mahendra singh Repusudan singh aged 44 years, Diesel Assistant, Indra Lok Nagar, Ratlam.
  6. Sajjansingh Ghisalalji, aged 43 years, Diesel Assistant, P&T Colony, Laxmanpura, Ratlam MP
  7. Sanjay R. Devekar, aged 41 years, Diesel Assistant, Ratlam, R/o Gandhi Nagar, Ratlam MP
- APPLICANTS
- (By Advocate - Shri A.N. Bhatt)

Versus

Union of India & others represented by

1. General Manager, W.Rly. Head Quarter Office, Churchgate, Mumbai.
  2. Divisional Rail Manager, Western Railway Ratlam MP
- RESPONDENTS
- (By Advocate - Shri Y.I. Mehta, Sr. Advocate assisted by Shri H.Y. Mehta)

ORDER (Oral)

By M.P. Singh, Vice Chairman -

By filing this OA, the applicants have claimed multiple reliefs. However, at the time of arguments, the learned counsel for the applicants has submitted that for the present the applicants do not press any other relief except the relief claimed by the applicants with regard to seniority. We, therefore, consider this OA only in respect of the relief with regard to seniority.

*MS*

2. The brief facts of the case are that the applicants were initially appointed as Khallasi/Cleaner in Loco Shed, Ratlam. They were promoted as IInd Fireman in the year 1995. They were posted as Assistant on adhoc basis on 19.3.1996 and since then they are working as such. They had also passed the selection test of Electrical Assistant on 26.9.1997.

2.1 According to the applicants the seniority list issued by the respondents does not correctly show the seniority position of the applicants. The contention of the learned counsel for the applicants is that seniority of the applicants should be fixed according to the panel position on the basis of the selection made for the post of Fireman Grade I.

3. The learned counsel for the respondents has stated that ~~as per~~ <sup>due to</sup> the modernisation <sup>in L</sup> being done in the Railways, ~~they~~ <sup>and consequently</sup> Diesel/loco sheds have been closed. The persons who became surplus have been absorbed after giving training as required under the rules. According to him, the persons who were senior to the applicants and those who were declared surplus and absorbed along with the applicants in the grade of Fireman Grade-II Have been assigned their seniority as per the instructions issued by the Railway Board. The learned counsel has further contended that the applicants are claiming seniority over employees who have not been made parties in this OA, hence the present OA is not maintainable on the ground of non-joinder of parties.

4. We have heard both the learned counsel at great length. In the facts and circumstances of the case, we deem it appropriate to direct the applicants to file a fresh detailed representation, within a period of one month from the date of receipt of a copy of this order, to the respondent no.2 i.e. the Divisional Railway Manager, Western Railway, Ratlam. We do so accordingly. If the applicants comply with this direction, the respondent no.2 is directed to consider the fresh

No costs.



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प्रतिनिधि राज्येति—

- AN Mehta  
Y. Mehta

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