

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING : BILASPUR

Original Application No.401 of 2002

Bilaspur, this the 8th day of December, 2003

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

1. R.K.Mishra
s/o Shri Ramji Mishra
employed as Junior Engineer (Bridge)
Gr.II under S.P.M. (Construction)
S.E.Rly/Raipur(Chhatis Garg) within
overall administrative Control of
Chief Engineer (Construction)
S.E.Rly/Bilaspur.
Postal Address:
Office of S.P.M.
S.E.Rly, Railway Settlement
Raipur, Chhatisgarh.

2. Ajay Kumar Gupta
s/o Ramnaresh Gupta
employed as Junior Engineer (Bridge)
(Construction) under Chief Engineer
(Construction), S.E. Railway
Bilaspur.
Postal Address:
Dy. C.E. (Construction) I-
Office, Rly Settlement, Bilaspur
Chhatisgarh.

... Applicants

(By Advocate: Applicants No.1 and 2 in person)

Versus

1. Union of India through
General Manager
South Eastern Railway
Gardenreach, Kolkata.
2. Chief Personnel Officer
South Eastern Railway
General Manager's Office
Garden Reach
Kolkata.
3. Chief Engineer (Construction)
S.E. Rly., Bhubaneswar.
4. Dy. Chief Engineer (Construction)
S.E. Railway, Bilaspur (C.G.) ... Respondents

(By Advocate: Shri M.N.Banerjee)

O R D E R (Oral)

By M. P. Singh, Vice Chairman:

The applicants have filed this OA claiming the following reliefs:

- *8.1. That, the hon'ble Tribunal be graciously pleased to quash the negatory order of respondent No.2, dated 11.10.01 (Annexure A/7) as arbitrary and absurd.
- 8.2 That, the hon'ble Tribunal may further be pleased to direct the respondents to allot LIEN to respondents and fix the seniority of the applicants also in cadre of Open Line Establishment on par with their other batch-mets basing on merit/seniority order of select list furnished to respondents by Railway Recruitment Board, preceding offer of employments with all incidental benefits retrospectively."

2. The brief facts are that the applicants were recruited through Railway Recruitment Board as Junior Engineers and were appointed as such on 24.1.1994. Thereafter, they have been working in Construction Division. The grievance of both the applicants ^{is} ~~are~~ that their lien should be maintained in the Open Line after completion of their tenure in the Construction Division. Since the respondents have not maintained their lien and have also not maintained their seniority, they have filed the present OA claiming the aforesaid reliefs.

3. The respondents have filed their reply on 27.11.2003 and have stated that applicants were directly recruited under Chief Administrative Officer (Construction)/South Eastern Railway, Bhubaneswar with the approval of Railway Board to meet up the exigency of the then construction work. Subsequently they

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were posted at Bilaspur field unit under construction work. Further they were approved by the Railway Recruitment Board, Bhubaneswar for their regularisation in different divisions of South Eastern Railway and now a reference is being made, for providing lien of the applicants, to CE, S.E. Central Railway, Bilaspur.

4. According to the respondents, the appointment of the applicants is not substantitive in the light of the Railway Board's letter quoted in the petition. According to them, no such procedure has been maintained to maintain lien in the Open Line cadre as per their original appointment. They have also stated that ^{the} the applicants were recruited by Chief Administrative Officer, S.E. Railway, Bhubaneswar to meet the exigency of the construction work.

5. The respondents have, now, produced a copy of the order dated 10.11.2003, which is taken on record, by which the lien of both the applicants has been fixed, ⁱⁿ and Applicant No.1 ^{is 2} was fixed under Raipur Division ^{that of 2} and Applicant No.2 ^{is 2} was fixed under Bilaspur Division.

6. Heard both the applicants in person and the respondents' counsel, Shri M.N.Banerjee, and also perused the pleadings on record.

7. The applicants have stated that they have received the Office Order dated 10.11.2003 and their lien has been fixed in the Open Line but seniority has not been fixed. According to them the seniority of their batch mates has already been fixed.


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8. On the other hand, the learned counsel for the respondents has stated that since the orders for fixing the lien has already been issued by the respondents, the seniority will be fixed in due course of time and it will take some time.

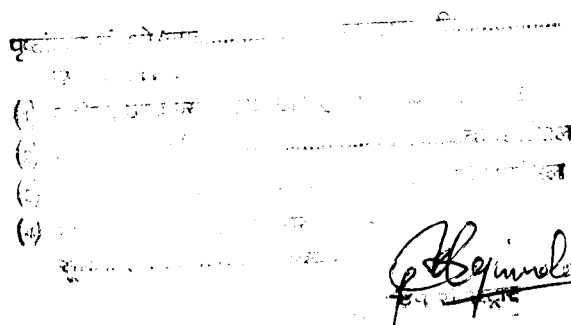
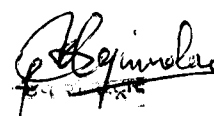
9. We have considered the submissions made by both the parties and the pleadings before us. We find that the grievance of the applicants was that they were working as Junior Engineer in the Construction Division but no lien was fixed in the open line. Now the respondents have fixed the lien in the Open Line and since the respondents have not denied the fact that the applicants have been appointed with the approval of the Railway Recruitment Board as Junior Engineer w.e.f. 24.01.1994, the lien of the applicants in the Open Line shall be maintained from that date.

10. As regards the seniority, the respondents are directed to fix the seniority of both the applicants in accordance with rules and law within a period of six months from the date of receipt of a copy of this order. The OA is accordingly disposed of. No costs.


(G. SHANTHAPPA
Judicial Member


(M.P. SINGH)
Vice Chairman

/rao/


Reported by
Applicant
M.N. Banerjee, Adm


Forwarded
mm
17-12-94