CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 896 of 2000
Original Application No. 897 of 2000
Original Application No. 918 of 2000

Jabalpur, this the 22nd day of March, 2004

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

1. Original Application No. 896 of 2000 -

Asmat Khan, S/o. Shri Rasool Khan,
aged about 39 years, Technician Gr. I,
Rail Spring Karkhana, Sithauli,
Distt. Gwalior. ... Applicant

2. Original Application No. 897 of 2000 -

Hari Shankar Tiwari, S/o. Shri Jagnnath Prasad Tiwari, aged about 47 years, Senior Technician/Master Craftsman, Rail Spring Karkhana, Sithouli, Gwalior, R/o. S-17, Rajendra Prasad Colony, Tansen Road, Gwalior (M.P.). ... Applicant

3. Original Application No. 918 of 2000 -

Laxmi Narayan Gaur, aged about 48 years,
S/o. Shri L.L. Gaur, Artisan Grade-I,
Sabji Mandi, Galin No. 3, Near Mangal
Bhawan, Kunwarpura, Murar, Gwalior. ... Applicant

(By Advocate - Shri S. Paul in all the OAs)

Versus

1. Union of India,
through its Secretary, Ministry
of Railway, (Railway Board),
New Delhi.

2. General Manager, Central
Railway, Mumbai CST, Mumbai.

3. Chief Personnel Officer (Mech.),
Central Railway, Headquarter office,
Personnel Branch, Mumbai CST,
Mumbai.

4. Chief Workshop Manager,
Rail Spring Karkhana, Sithouli,
Gwalior (MP). ... Respondents

(By Advocate - Shri M.N. Banerjee in all the OAs)

Common O R D E R (Oral)

By M.P. Singh, Vice Chairman -

Since the issue involved is common and the facts and reliefs claimed in these OAs are similar, we intend to dispose of these Original Applications by passing a common order.

2. By filing these Original Applications the applicants have claimed the reliefs to set aside the order dated 5.9.2000 and to direct the respondents to provide all consequential benefits to the applicants as if the order dated 5.9.2000 is never passed.

3. Heard the learned counsel for the parties and perused the records carefully.

4. The learned counsel for the applicants has submitted that vide letter dated 5.9.2000 the respondents proposed to depress the seniority of the applicants and postpone the date of the applicants promotion to the post from Group-D to Group-C and also when they were appointed within Group-C. The learned counsel for the applicants has also submitted that the proposal is being taken by the respondents on the basis of the circular issued by the Railway Board on 14th July, 1995. He further submitted that the copy of the same has not been supplied to the applicants to see as to whether this circular provides for fixing the date of promotion from Group-D to Group-C and also for promotions within Group-C from a prospective date, and also to ascertain whether it provides for reviewing the cases of the individuals who have been promoted from Group-D to Group-C before the issue of this letter. He has also submitted that no opportunity of hearing was given to the applicants before this drastic action of reverting them is proposed to be taken by the respondents.

5. On the other hand the learned counsel for the respondents has produced a copy of the letter dated 14th July, 1995 for our perusal. He has submitted that the letter dated 5.9.2000 has been issued by the Headquarter office to the Chief Works Manager, Gwalior. This is only a view expressed by the Headquarter office in pursuance of the letter issued by the Railway Board dated 14th July, 1995. In any case it is only an internal correspondence between the two offices of the Central Railway. However, the applicants without waiting for the final decision of the respondents have approached this Tribunal challenging the letter which is only an internal correspondence. Hence the Original Applications are premature and are liable to be dismissed.

6. We have given careful consideration to the rival contentions made on behalf of the parties and we find that the order challenged by the applicants is only an internal correspondence and no final order has been passed by the respondents depressing the seniority of the applicants or refixing the date of promotion from Group-D to Group-C and within Group-C of the applicants. Accordingly, the Original Applications are pre-mature and are dismissed. However, in case the respondents proposes to pass orders regarding the implementation of the decision taken on the basis of the letter dated 5.9.2000, they will give an opportunity of hearing to the applicants and it shall be only after giving opportunity of hearing to the applicants, the respondents will pass the final order. The interim orders passed on 12.10.2000 in OAs Nos. 896/2000 and 897/2000 and 23.10.2000 in OA No. 918/2000 stand vacated. No costs.

7. The Registry is directed to place a copy of this order alongwith the records of the other two OAs.

Sd/-
Judicial Member
"SA"

Sd/-
(M.P. Singh)
Vice Chairman