

01.12.2009

OA No. 373/2005

Mr. S. Shrivastava, Counsel for applicant.
Mr. N.C. Goyal, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is disposed of.


(B.L. KHATRI)
MEMBER(A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 01st day of December, 2009

ORIGINAL APPLICATION NO. 373/2005

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

1. Puranmal son of Shri Kaluram. Presently posted as Technician Grade II under SSE/RAC, Jaipur.
2. Lokesh Patwa son of Shri Ramgopal Patwa. Presently posted as Technician Grade II under SSE/RAC, Jaipur.
3. Babu Lal Sharma son of Shri Ram Prasad Sharma. Presently posted as Technician Grade II under SSE/PRS at Jaipur in Jaipur Division of NWR.
4. Polus Anthony son of Shri V.P. Anthony. Presently posted as Technician Grade I under SSE/PRS under Jaipur in Jaipur Division of NWR.
5. Babulal son of Shri Shankar Lal. Presently posted as Technician Grade I under SSE/PRS, Jaipur.
6. Shivcharan son of Shri Gopiram. Presently posted as Technician Grade III under SSE/RAC, Jaipur.
7. Shravanlal Meena son of Shri Jagdish Narayan Meena. Presently posted as Technician Grade III under SSE/RAC, Jaipur.
8. Satya Narayan Sharma son of Shri Kushiram. Presently posted as Technician Grade III under SSE/RAC, Jaipur.
9. Gopal B son of Shri Bhoma Ram. Presently posted as Technician Grade I under SSE/RAC, Jaipur.
10. Kajod Ram son of Shri Rampal. Presently posted as Technician Grade III under SSE/RAC, Jaipur.
11. Mangtaram Meena son of Shri Mukhiya Singh. Presently posted as Technician Grade II under SSE TL/ MG, Jaipur.
12. Israr Ahmed son of Shri Abdul Shakur. Presently posted as Technician Grade II under SSE/RAC, Jaipur.
13. Makhanlal Sharma son of Shri Ramdhan Sharma. Presently posted as Technician Grade II under SSE/TL/BG, Jaipur.
14. Ram Prasad son of Shri Kanjyalal. Presently posted as Technician Grade II under SSE/RAC, Jaipur.
15. Nehnuram son of Shri Bheruram. Presently posted as Technician Grade II under SSE/RAC, Jaipur.
16. Harphul Meena son of Shri Laljiram Meena. Presently posted as Technician Grade III under SSE/RAC, Jaipur.
17. Kalyan Sahai son of Shri Panchuram. Presently posted as Technician Grade III under SSE/RAC, Jaipur.
18. Narendra Singh son of Shri Phateh Singh. Presently posted as Technician Grade III under SSE/RAC, Jaipur.
19. Chandra Mohan Sharma son of Shri Kishan Sharma. Presently posted as Technician Grade II under SSE (PRS).
20. Mahendra Singh son of Shri Soveran Singh. Presently posted as Technician Grade II under SSE (PRS), Jaipur.

21. Abdul Mateen Khan son of Shri Gaffar Khan. Presently posted as Technician Grade III under SSE(RAC), Jaipur.
22. Mool Chand Meena son of Shri Harchanda. Presently posted as Technician Grade III under SSE(RAC), Jaipur.
23. Kailash S.L. son of Shri Shyam Lal. Presently working as Technician Grade III under SSE(RAC), Jaipur.

.....APPLICANTS

(By Advocate: Mr. S. Shrivastava)

VERSUS

1. Union of India through General Manager, North Western Railway, in front of Railway Hospital, Jaipur.
2. Divisional Railway Manager, Jaipur Division of North Western Railway, Jaipur.

.....RESPONDENTS

(By Advocate : Mr. N.C. Goyal)

ORDER (ORAL)

The grievance of the applicants in this case is regarding merger of the cadre in the Electrical Department and issuance of combined seniority list pursuant to such merger. According to applicants, prior to merger of the cadre of RAC with Train lighting cadre of Jaipur division, separate seniority of RAC cadre was being maintained.

2. When the matter was listed on 05.11.2009, this Tribunal had passed the following order:-

"Vide order dated 18.9.2009, this Tribunal on the basis of the contention raised by the learned counsel for the applicant to the effect that so called policy decision has not been taken by the competent authority and as such the respondents could not have proceeded in the matter regarding issuance of the combined seniority list, the matter was adjourned to 5.10.2009 but on that date none appeared on behalf of the respondents, as such the said order was not within the knowledge of the respondents. The learned counsel for the respondents seeks further time to file affidavit qua this point."

Thereafter the matter was adjourned from time to time.

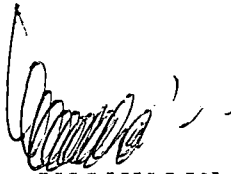
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3. The respondents have not filed affidavit till date.

4. We have heard learned counsel for the parties. We are of the view that it will be futile exercise to keep this matter pending and the matter can be disposed of with directions to Respondent no. 1 i.e. the General Manager, North Western Railway, Jaipur to look into the matter in the light of the observations made by us vide order dated 05.11.2009 and decide whether the policy decision regarding merger of RAC cadre with train light cadre in Jaipur Division was taken by the competent authority, which power prima-facie appears to be vested with the Railway Board/ General Manager. Respondent no. 1 shall take such decision within a period of two months from the date of receipt of a copy of this order by passing a reasoned & speaking order. The copy of the decision to be taken by respondent no. 1 shall be communicated to applicant no. 1 and in case the applicant(s) in this OA are aggrieved by the decision to be taken by respondent no. 1, it will be open for him/them to challenge the same by filing substantive OA.

4. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ