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04.11.2009

OA No. 280/2006

Mr. P.V. Calla, Counsel for applicant.
Mr. Praveen Poswal, Proxy counsel for
Mr. V.S. Gurjar, Counsel for respondents.

Heard learned counsel for the parties.

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


(B.L. MATRI)
MEMBER(A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 04th day of November, 2009.

ORIGINAL APPLICATION NO. 280/2006

CORAM:

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

1. Bajranj Lal Meena son of Shri Shriram Meena, aged about 50 years, Transportation Inspector -I, Office of Senior Divisional Operation Manager, Jaipur.
2. Kundan Lal Saini son of Shri Ghoghar Mal Saini, aged about 55 years, Transportation Inspector, Office of Senior Divisional Operation Manager, Jaipur.
3. Sajjan Singh Gehlot son of Shri Bishan Singh Gehlot aged about 50 years, Transportation Inspector, office of Senior Divisional Operation Manager, Jaipur.
4. Satya Narain Sharma son of Shri Bal Kishan Sharma aged about 40 years, Transportation Inspector, at present working as Senior Transportation Instructor, Zonal Railway Training Institute, Udaipur.
5. Ramavtar Panwar son of Shri Lallu Ram aged about 45 years, Transportation Inspector, Office of Senior Divisional Operation manager, Jaipur.
6. Rajendra Prasad Sharma son of Shri Radhey Shyam Sharma aged about 40 years, Transportation Inspector, Office of Senior Divisional Operation Manager, Ajmer.
7. Gopal Krishna Sharma son of shri Ganesh Narain Sharma, aged about 40 years, Transportation Inspector, Office of Senior Divisional Operation Manager, Jaipur.
8. Ramesh Kumar Vashistha son of shri Ghilsa Lal Sharma aged about 38 years, Transportation Inspector, Office of Senior Divisional Operation Manager, Jaipur.

.....APPLICANTS

(By Advocate: Mr. P.V. Calla)

VERSUS

1. Union of India through General Manager, North Western Railway, Jaipur.
2. The Railway Board through its Chairman, Rail Bhawan, New Delhi.
3. Chief Operation Manager, Headquarter Office, North Western Railway, Jaipur.
4. Divisional Railway Manager, Jaipur Division, Jaipur.
5. Divisional Railway Manager, Ajmer Division, Ajmer.

.....RESPONDENTS

(By Advocate : Mr. Praveen Poswal proxy to Mr. V.S. Gurjar)

ORDER (ORAL)

This is the second round of litigation. Earlier the applicants and other similarly situated employees have filed OA No. 64/2004 and OA No. 45/2005 before this Tribunal whereby the grievance of the applicants was regarding merger of the posts of Station Masters, Assistant Station Masters, Yard masters, Traffic Inspectors with the post of SM/ASM. These OAs were disposed of vide order dated 31.05.2006 on the basis of the judgment rendered by the Principal Bench in OA No. 2001/2004 and other connected matters decided on 31.01.2006 (Annexure A/4) whereby Railway Board was directed to take decision in terms of the observations made by the Principal bench. It may be relevant to state here that the respondents have already taken decision in terms of the judgment rendered by the Principal Bench vide order dated 09.05.2006 and this fact could not be brought to the notice of this Tribunal when the matter was decided on 31.05.2006. Be that as it may, pursuant to the decision given by this Tribunal vide order dated 31.05.2006, the respondents have communicated decision of the Railway Board dated 09.05.2006 by a separate letter dated 10.07.2006 (Annexure A/2). This order dated 10.07.2006 is under challenge before this Tribunal.

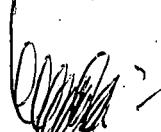
2. While issuing the notices, this Tribunal has directed the respondents to maintain status quo till the next date. In the meanwhile, the applicant was directed to apprise this Tribunal whether

Railway Board order dated 09.05.2006 passed pursuant to the order of the Principal bench dated 31.01.2006 has been challenged.

3. The respondents have filed their reply. However, on the last date of hearing, learned counsel for the respondents submitted that validity of order dated 09.05.2006 (Annexure A/2) was challenged in OA No. 1868/2006, All India Station Master Association and Another vs. Union of India & Others alongwith OA No. 1234 of 2006 and the Tribunal has upheld the policy decision of the respondents regarding merger of the cadre in question. Thus, according to the learned counsel for the respondents, in view of the judgement rendered by the CAT, Principal bench, in the aforesaid cases, the present OA does not survives. The copy of the judgment of the Principal Bench was also made available to the learned counsel for the applicant.

4. In view of what has been stated above, we are of the view that the present OA does not survives now, which is accordingly disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ