

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 18th day of May, 2011

ORIGINAL APPLICATION NO. 429/2007
WITH
MISC. APPLICATION NO. 120/2010

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

1. Jitendra Pal son of Shri Ram Saran Dass, resident of 304 A, Panipech, Railway Colony, Bani Park, Jaipur. Presently posted AEN/C-II/Jaipur, NWR, Jaipur.
2. Narendra Kumar Sharma son of Shri Jagannath Sharma, resident of 30/E-II, Opposite Dhola Mark Hotel, Civil Line Area, Bikaner. Presently posted as AEN/SOR/HQ/JP, NWR, Jaipur.
3. Manu Kumar Goel son of Late Shri Sudhir Kumar Goel, resident of 35-B, Civil Lines, Bikaner. Presently posted as AEN (C) BKN under Deputy Chief Engineer (C) BKN, Bikaner.
4. Lalit Kumar Bagherwal son of Shri Radha Kishan Bagherwal, resident of Dhanmalji Ka Hatha, Kota Junction, Kota. Presently posted as AEN, Suratgarh, NWR.

.....Applicants

(By Advocate: Mr. Shailendra Shrivastava)

VERSUS

1. Union of India through General Manager, North Western Railway, In front of Railway Hospital, Hasanpura, Jaipur.
2. Chief Personal Officer, North Western Railway, In front of Railway, Hasanpura, Jaipur.
3. Rajeev Gupta, AEN, Barmer at present working under Sr. DEN (Co), Jodhpur.
4. P.C. Vyas, AEN, at present working at Samdari under Sr. DEN (Co), Jodhpur.
5. Ram Niwas Jat at present working as ADEN-I, Hanumangarh under Sr. DEN (Co), Bikaner.

.....Respondents

(By Advocate : Ms. Sonal Singh proxy counsel to Mr. Alok Garg)

ORDER (ORAL)

The present OA has been preferred by the applicants against the impugned seniority list of Group 'B' officers (AEN) of Engineering



Department dated 02.01.2007 (Annexure A/1) wherein the petitioners who empanelled in earlier panel of AEN has been shown/relegated below to co respondents who were empanelled in subsequent panel of later year and also assailing the order dated 02.03.2007 (Annexure A/2) by which official respondents have rejected the representation of petitioner no. 1 against the impugned seniority list and such wrong assignment of seniority is going to make adverse/detrimental effect on the next promotion of the petitioners as XEN/DEN which is imminently due and may be granted at the point of time in recent future.

2. Learned counsel for the applicant has drawn our attention towards the seniority list dated 02.01.2007 (Annexure A/1) and impugned order dated 02.03.2007 (Annexure A/2). Bare perusal of impugned order dated 02.03.2007, by which the representation of applicant no. 1 has been rejected, reveals that the respondents have mechanically decided the representation of the applicant no. 1 observing that representation of applicant no. 1, AEN/C/II/JP regarding his seniority position has been examined and it is found that his seniority position is correct.

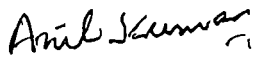
3. We have considered the impugned seniority list dated 02.01.2007 (Annexure A/1) and impugned order dated 02.03.2007 (Annexure A/2). We are of the view that Impugned order dated 02.03.2007 (Annexure A/2) by which representation of the applicant has been rejected cannot be said to be a speaking order. Therefore, without going into merit of the case, in our considered view, we deemed it proper to direct the applicants to prefer a fresh representation and further the respondents are directed to consider



the same in accordance with provisions of law and shall pass a speaking order on the representation of the applicants. If any prejudicial order is passed against the applicants, the applicants are at liberty to file a fresh OA.

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

5. In view of the order passed in the OA, no order is required to be passed in MA No. 120/2010, which is accordingly disposed of.


(ANIL KUMAR)
MEMBER (A)


(JUSTICE K.S. RATHORE)
MEMBER (J)

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