

Central Administrative Tribunal
Jaipur Bench, JAIPUR.

OA No.243/2008
with
MA No.356/2008

This the 20th day of April, 2011

Hon'ble Shri Justice K.S. Rathore, Member (Judicial)
Hon'ble Shri Anil Kumar, Member (Administrative)

1. All India Scheduled Caste & Scheduled Tribes Railway Employees Association North Western Railway, Jaipur through its President.
2. Ganpat Ram S/o Shri Nimba Ram aged about 47 years, working as Head TTE, North Western Railway, Jaipur.
3. Mali Ram Duniwal S/o Shri Surja Ram aged about 40 years, working as Head TTE, C/o CTI North Western Railway, Ajmer R/o Duniwal Ki Dhani, Post Kawat District Sikar.

...Applicants

(By Advocate: Shri Nand Kishore)

- VERSUS -

1. Union of India, through Chairman, Railway Board, Rail Bhawan, New Delhi.
2. Union of India, through General Manager, North Western Railway, Hasanpura Road, Jaipur.
3. Divisional Railway Manager, North Western Railway, Power House Road, Jaipur.

.....Respondents

(By Advocate: Shri Gaurav Jain, Proxy for Sh. Virendra Dave)

ORDER (ORAL)

The short controversy involved in this case is the Tribunal's judgment dated 28.11.2007 passed in CP.12/2006 (OA.172/2003) and the observations made therein; "accordingly the impugned seniority lists Annexure A1 & A2 are hereby quashed and set aside so far it relates to the seniority in the grade of Rs.5000-8000 and



respondents are directed to make further promotion under up gradation in the higher post on the basis of seniority of the applicants in the grade of Rs.5000-8000 as shown vide Annexure A/7".

2. It was further observed in the CP.12/06 (OA.172/03) that; in view of the specific stand taken by the respondents that promotions in the grade of Rs. 5500 to 9000 which were based on the seniority list other than the seniority list Annexure A/7, has been withdrawn and that in future it will be the seniority list Annexure A/7 which will be given effect to for further promotions, if any, in the grade of Rs.5500-9000 till the judgment of this Tribunal is not set aside by the Hon'ble High Court, we are of the view that present CP does not survive. Accordingly, the same is disposed of. Notices issued to the respondents are hereby discharged. It is, however, made clear that in case the respondents want to make promotions in the grade of Rs. 5500-9000, then they will adhere to the seniority list Annexure A/7 so long as the directions given by this Tribunal in the aforesaid OA hold the field.

3. Vide order dated 11.6.2008 (Annexure A-1), it was informed to the Divisional Railway Manager(P), Jaipur, in response to his letter No. EC/1025/13 Vol.1 dated 11.6.2008, that the competent authority i.e. General Manager General Manager has approved to follow Hon'ble CAT's order to consider promotions on the basis of base grade seniority subject to final outcome of appeal in Hon'ble High Court.



4. Upon bare perusal of the Annexure A/1 dated 11.6.2008, it reveals that fresh cause of action is not made available to the applicants in any manner and the applicants' Association can not be aggrieved by this order, which is self explanatory.

5. Consequently, the present OA stands dismissed being bereft of merit with liberty to file a fresh OA as and when the cause of action is made available to the applicants.

6. In view of the order passed in present OA, no order required to be passed in MA.356/2008, which shall also stand disposed of accordingly. No costs.

Anil Kumar
(Anil Kumar)
Member (Administrative)

K.S. Rathore
(Justice K.S.Rathore)
Member (Judicial)

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