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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI-5.

O.A.No. 199 of 1994

DATE OF DECISION. 5.3.1998....

Shri K.C. Das and four others

(PETITIONER(S))

Mr A. Deb Roy and Mr M. Chanda

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India and others

RESPONDENT(S)

Mr B.K. Sharma, Railway Counsel
Mr G.K. Bhattacharyya and Mr G.N. Das

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN

THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.199 of 1994

Date of decision: This the 5th day of March 1998

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

1. Shri Krishna Chandra Das
2. Shri Bimal Chandra Paul
3. Shri Dipak Chandra Chokravorty
4. Smt Nina Roy (Barman)
5. Shri Chandra Das

.....Applicant

All the applicants are working as Senior Clerk under the Divisional Railway Manager (P), Lumding Division, N.F. Railway.

By Advocates Mr A. Deb Roy and Mr M. Chanda.

-versus-

1. The Union of India through the General Manager, N.F. Railway, Guwahati.
2. The Chief Personnel Officer, N.F. Railway, Guwahati.
3. The Divisional Railway Manager, N.F. Railway, Lumding.
4. Mrs Mina Das
5. Shri Sunit Das
6. Shri Prabin Kumar Sen Gupta
7. Shri Tapan Banerjee
8. Shri Bhakti Mazumdar
9. Shri Niharendu Misra
10. Shri Bhabesh Chandra Sarma
11. Md. Imtaz Ali Ahmed
12. Shri Jiaur Rahman
13. Shri Sanjit Kumar Das
14. Shri Ajit Kumar

.....Respondent

Respondent Nos.4 to 14 are working as Senior Clerk in the office of the DRM(P), N.F. Railway, Lumding.

By Advocate Mr B.K. Sharma, Railway Counsel, Mr G.K. Bhattacharyya and Mr G.N. Das for respondent Nos.4 to 8.

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O R D E R

BARUAH.J. (V.C.)

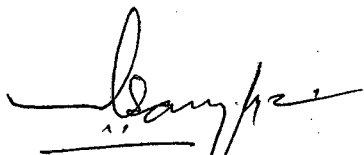
The applicants have filed this application seeking certain directions. The grievance of the applicants is that their seniority was not properly fixed in the Annexure F seniority list dated 18.4.1990 prepared and published by the Divisional Railway Manager (P), Lumding- respondent No.3. According to the applicants, initially they were promoted on adhoc basis and their appointments had been regularised after due process of selection. However, the period during which the applicants were discharging their duties in the promotional post on adhoc basis was not counted in fixing their seniority. Being aggrieved, the applicants filed representation. The representation was disposed of by Annexure G order dated 11.7.1994. The complaint of the applicants is that the authority did not apply its mind while disposing of the representation; besides Annexure G order dated 11.7.1994 is not at all a speaking order. Hence the present application.

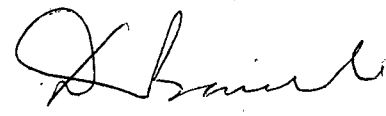
2. We have heard Mr A. Deb Roy, learned counsel for the applicants, Mr B.K. Sharma, learned Railway Counsel appearing on behalf of respondent Nos.1, 2 and 3 and Mr G.N. Das, learned counsel for respondent Nos.4 to 8. We have also perused the Annexure G order dated 11.7.1994 passed on the representation. On perusal of the said order we find that it is a cryptic order. The order does not indicate that the authority applied its mind to the grounds raised by the applicants in their representation. In this view of the matter it is difficult for us to adjudicate the cause. Therefore, we dispose of this application with a direction

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the respondents to dispose of the representation by a speaking order. While disposing of the representation the authority shall also consider the grounds taken by the applicants and if the applicants desire, the respondents shall given an opportunity of personal hearing also. This must be done at an early date at any rate within a period of three months from today. The applicants or their representative may appear before the Divisional Railway Manager (P), N.F. Railway, Lumding, within a week from today for fixing a date of personal hearing, if the applicants desire personal hearing. The applicants may approach the appropriate authority if they still feel aggrieved on the order passed by the respondents on the representation.

3. The application is accordingly disposed of. Considering the facts and circumstances of the case we make no order as to costs.


(G. L. SANGLYNE)
MEMBER (A)


(D. N. BARUAH)
VICE-CHAIRMAN