

**Central Administrative Tribunal
Principal Bench, New Delhi**

RA No. 16/2013

In

OA No.1725/2007

New Delhi, this the 17th day of August, 2016

**Hon'ble Mr. P.K. Basu, Member (A)
Hon'ble Dr. Raj Vir Sharma, Member (J)**

Union of India through

1. General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Divisional Railway Manager,
Northern Railway, Delhi Division
State Entry Road, New Delhi.
3. Sr. Divisional Personnel Officer,
Northern Railway,
State Entry Road, New Delhi
..... Review Applicants/ respondents in OA.

(By advocate: Mr.VSR Krishna & Mr.Shailendra Tiwary)

Versus

1. Harman Singh
Token No.1143
S/o Shri Kuka Ram
Aged about 44 years
Working under Sr. Divisional Engineer
Diesel Shed, Tughlakabad, New Delhi.
2. Kushalananda Token NO.596
S/o Sh. Bhola Dutt
Aged about 41 years
Working under Sr. Divisional Engineer
Diesel Shed, Tughlakabad, New Delhi.

3. Ram Sahay, Token No. 1159
S/o Sh. Mahavir
Aged about 50 years
Working under Sr. Divisional Engineer
Diesel Shed, Tughlakabad, New Delhi.

4. Veerpal Singh , Token NO.543
S/o Sh. Gopi Singh
Aged about 42 years,
Working under Sr. Divisional Engineer
Diesel Shed, Tughlakabad, New Delhi.

5. Suresh Kumar, Token No.1153,
S/o Late Shri Dilaver Singh
Aged about 48 years
Working under Sr. Divisional Engineer
Diesel Shed, Tughlakabad, New Delhi.

6. Bhuvneshwar Pandey
Token No. 1150
S/o Sh. Lalan Pandey
Working under Sr. Divisional Engineer
Diesel Shed, Tughlakabad, New Delhi.

7. Arun Kamalraj, Token NO.940
S/o Sh. Mahadev Manda
Aged about 49 years
Working under Sr. Divisional Engineer
Diesel Shed, Tughlakabad, New Delhi.

8. Ramanand Yadav Token No.1171
S/o Sh. Bhabuti Yadav
Aged about 52 years
Working under Sr. Divisional Engineer
Diesel Shed, Tughlakabad, New Delhi.

9. SuBhash Chander, Token No.1131
S/o Shri Harichand
Aged about 43 years
Working under Sr. Divisional Engineer
Diesel Shed, Tughlakabad, New Delhi.

10. Prem Singh, Token No.960
S/o Shri Bhawani Shankar,
Aged about 50 years
Working under Sr. Divisional Engineer
Diesel Shed, Tughlakabad, New Delhi.

11. Ramnath, Token No.599
S/o Sh. Tota Ram
Aged about 46 years,
Working under Sr. Divisional Engineer
Diesel Shed, Tughlakabad, New Delhi.

..... Respondents/applicants in OA

(By Advocate: Mr.A.K.Bhagat)

ORDER (ORAL)

Hon'ble Mr. P.K. Basu, Member (A)

Heard the learned counsel on the Review Application, which has been filed against the order dated 11.03.2008 in MA No.1757/2008 in OA No. 1725/2007, where we have passed the following directions:-

" 7. In the result for the foregoing reasons, OAs are allowed. Respondents are directed to extend the applicants benefit at par with applicants in OA No. 39/2004 of promotion to the Technician Grade-I and with all consequential benefits which have been given to the persons which have appeared in the selection on 10.09.2007 with appears etc within a period of three months from date of receipt of a copy of this order. No costs."

2. Learned counsel for the review applicants states that there is an error in granting benefits in the order because the Tribunal did not consider whether sufficient posts are available or not and seniority list for implementation of the order in OA No. 39/2004.

3. Learned counsel further points out that similarly placed persons have filed a similar OA NO. 2864/2011, which was disposed of on 02.08.2016 with the following directions:-

“5. Learned counsel for the respondents states that there are not enough posts to accommodate the applicants. It is made clear that in that case, they will strictly go by the seniority list and will revert the junior most persons. The time frame fixed for compliance of our order is 90 days from the date of receipt of a certified copy of this order. No order as to costs.”

4. It is argued that in case implementation of the order passed in OA No.39/2004 is implemented without taking into account the seniority and availability of posts, it would not be just and fair action.

5. Learned counsel for the respondents in RA/applicants in OA states that once the Tribunal has passed order dated 11.03.2008 the respondents/ applicants in RA have to implement that order and since there is no error apparent on the face of the record, the RA be dismissed.

6. We have heard and considered the arguments of both sides, we are of the view that the implementation of the order of OA no.39/2004 and OA No.1725/2007 will automatically involve the vacancy and seniority position. We, therefore, allow the RA and

dispose of the matter with a direction to the respondents that they will strictly go by the seniority list and vacancy position while granting the promotion as has been directed in OA No. 2864/2011. Order dated 11.03.2008 stands modified accordingly. No costs.

(Raj Vir Sharma)
Member (J)

(P.K. Basu)
Member A)

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