

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.351/2017

New Delhi this the 8rd day of March, 2017

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)

HON'BLE MR. P.K. BASU, MEMBER (A)

Mrs. Sushma Gupta,
Age about 55+years,
Group 'C', D/o Sh. B.B. Gupta,
Working as Chief Commercial Clerk,
Under Station Superintendent,
Northern Railway, Bariely,
R/o Ho. No.19/21, Basti Sarai Rohilla,
Old Rohtak Road, Delhi-110035.

-Applicant

(By Advocate : Shri Gaya Prasad)

Versus

Union of India through:

1. Secretary,
Railway Board,
Rail Bhawan,
New Delhi.
2. General Manager,
Northern Railway,
Head Quarter office,
Baroda House,
New Delhi.
3. Divisional Railway Manager,
Northern Railway,
DRM Office, Moradabad.

-Respondents

(By Advocate: Shri Amit Sinha for Shri R.N. Singh)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard both sides.

2. With the consent of both the counsel, we have taken up the main OA for hearing.

3. The applicant, who is presently working as Chief Commercial Clerk filed the OA seeking the following reliefs:-

“8.1 to dispose of the OA with the directions to the Respondents to extend the same benefits to the Applicant with all consequential benefits, which were extended to the similar situated counter parts/colleagues of the Applicant in the following judgments;

- i. OAs No.551/2002 (Nand Kishore & Ors. Case),
- ii. OA No.1706/2008 (Nabi Mohd. & Ors.)
- iii. OA No.3128/12 (Smt. Karamjit Kaur & Ors.),
- iv) OA No.3129/12 (Sh. Chander Prakash & Ors.),
- v) OA No.3152/12 (Sh. Raja Ram & Ors.),
- vi) OA No.3153/12 (Smt. Kusmam Malik & Ors.),
- vii) OA No.3925/12 (Smt. Kavita Sharma & Ors.),
- viii) OA No.210/13 (Smt. Seema Bhalla & Ors.),
- ix) OA No.2425/2014 (Virendera Singh & Ors.),

8.2 to allow the OA with the directions that Respondents No.2 to take the decision in the case of Applicant keeping in view of the decisions of this Hon'ble Tribunal in the aforesaid nine cases decided on the basis of Nand Kishore & Ors. and granted the seniority to the Applicant from the date of initial appointment without any discrimination.

8.3 to direct the Respondents to examine the case of the Applicant in the light of the aforesaid eight cases of Nand Kishore and others and decide the pending representations dated 10.03.2000, 19.05.2003, 2005,

11.08.2014, 21.02.2015, 02.04.2015 and 12.07.2015 with all consequential benefits.

8.4 to grant any other or further relief which this Hon'ble Tribunal may deem fit and proper under the above explained circumstances in favour of the Applicant and against the Respondents."

4. It is the case of the applicant that though he is entitled for the relief claimed in terms of the various decisions of this Tribunal in the OAs referred to above, the respondents are not considering his representations in this regard, and one such representation the applicant has filed as part of Annexure A-9/colly, is dated 12.07.2015. However, the respondents have not passed any orders thereon till date.

5. In the circumstances, the OA is disposed of by directing the respondents to consider the claim of the applicant keeping in view the various decisions on which the applicant placed reliance and to pass appropriate speaking and reasoned orders thereon, in accordance with law, within 90 days from the date of receipt of a copy of this order. No order as to costs.

Let a copy of the O.A. be enclosed to this order.

(P.K. BASU)
Member (A)

(V. AJAY KUMAR)
Member (J)

cc.