

Central Administrative Tribunal
Principal Bench

CP No.281/2004 In

OA No.846/2003

New Delhi this the 14th day of December, 2004

Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Shri Shanker Raju, Member (J)

1. All India SC & ST Rly. Employees Association,
Muradabad Division, Opp. Railway Station,
Muradabad, through its Divisional Secretary,
Shri Nankoo Lal.
2. Kishan Lal-III
3. Sher Singh-II
4. Jai Pal Singh-I,
5. Raj Pal Singh,
6. Mahabir Prasad,
7. Shri Pal,
8. Sita Ram,
9. Surinder Kumar-II,
10. Som Pal Singh.

(All are working as Driver Passenger N.Rly. Muradabad).

-Applicants

(By Advocate: Shri Yogesh Sharma)

Versus

Shri Varun Bhartuar
Divisional Railway Manager
Northern Railway, Muradabad Division,
Muradabad.

-Respondent

(By Advocate: Shri VSR Krishna and
Shri Rajinder Khatter)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice Chairman (A):

Learned counsel heard.

2. Learned counsel of respondents stated that they have issued the revised seniority list dated 21.9.2004 in which the applicant has been assigned seniority in terms of Tribunal's directions contained in order dated 8.1.2004 by which OA-846/2003 was disposed of. In respondents' own Circular dated 21.11.2002, Hon'ble Supreme Court's directions in Writ Petition 234/2002 have been reproduced and it was decided by the Railway Authorities that they would implement the instructions contained in Ministry's

letter of even number dated 8.3.2002. However, that will be subject to final outcome of the Writ Petition pending before the Hon'ble Supreme Court. Vide Ministry's letter dated 8.3.2002, it had been decided that SC/ST Railway servants shall, on their promotion by virtue of rule of reservation/roster shall be entitled to consequential seniority also and that decision shall be effective from 17.6.1995. Taking into consideration the Railway Board's letter dated 21.11.2002 and letter dated 8.3.2002, applicants were to be granted consequential seniority effective from 17.6.1995. It is not at all clear from the draft seniority list dated 21.9.2004 whether the applicants have been accorded seniority w.e.f. 17.6.95. It is clear from our orders dated 8.1.2004 that such allocation of seniority was to be subject to the decision of the Allahabad Bench of the Tribunal in Contempt Petition bearing No.199/2002 in OA-301/1998.

3. In this backdrop, respondents are now afforded another opportunity to modify their orders dated 21.9.2004. They shall do so within a period of one month from the date of communication of these orders with a copy to the petitioners. CP is, thus, disposed of with liberty to applicants to revive the same, if necessary. Notices to the respondents are discharged.

S. Raju
(Shanker Raju)
Member (J)

V.K. Majotra
(V.K. Majotra)
Vice Chairman (A)

14.12.04

cc.