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Central Administrative Tribunal, Principal Bench

Original Application No. 3117 of 2003

New Delhi, this the 29th day of December, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. Sarweshwar Jha, Member (A)

1. Jagmohan Singh,
S/o Sardar Tirath Singh,
working as Office Superintendent Grade I
General Branch, Northern Railway,
Baroda House, New Delhi.
2. Smt. Sushma Kapoor,
Wife of Shri Vijay Kumar Kapoor,
working as Office Superintendent Grade I
General Branch, Northern Railway,
Baroda House, New Delhi.
3. Ms. Urmila Devi,
daughter of Shri Kunj Behari Lal,
working as Office Superintendent Grade-2
General Branch, Northern Railway,
Baroda House, New Delhi. Applicants

(By Advocate: Shri T.S. Pandey)

Versus

1. Union of India through
The General Manager,
Northern Railway, Baroda House,
New Delhi
2. Smt. Vijay Laxmi,
working as Office Superintendent Grade I
General Branch, Northern Railway,
Baroda House, New Delhi.
3. Smt. Vina Rani,
Office Superintendent Grade I
General Branch, Northern Railway,
Baroda House, New Delhi.
4. Mohan Lal Mina,
Office Superintendent Grade I
General Branch, Northern Railway,
Baroda House, New Delhi.
5. S.N. Raut,
Office Superintendent Grade I
General Branch, Northern Railway,
Baroda House, New Delhi.
6. Piyare Lal,
Office Superintendent Grade I
General Branch Section Store Despatch,
Northern Railway,
Baroda House, New Delhi. Respondents

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ORDER(ORAL)

By Justice V.S. Aggarwal, Chairman

The applicants are aggrieved by the alleged act of the respondents whereby it is contended that despite the interim order passed by the Supreme Court in writ petition No. 61/2002 dated 8.4.2002, the respondents are passing orders not only disturbing their seniority but even promoting the private respondents.

2. We would have gone into this controversy but during the course of submissions, our attention was drawn towards the order that has been passed by the Supreme Court on 8.4.2002 which reads:

"A question of constitutional law arises. It is, therefore, appropriate that these petitions should be heard by a Constitution Bench.

Insofar as interim relief is concerned, the respondents shall not revert the petitioners nor affect their standing in the seniority list and promotion, pay etc. At the same time, it shall be open to the respondents to promote those who are benefited by the impugned amendment but so that it does not affect the petitioners in any manner and subject to the result of the writ petitions.

The I.As. are disposed of accordingly."

3. We are informed that the petition is still pending before the apex court. Once the matter is pending before the apex court, if the applicants seek a relief flowing from the same order, it would be appropriate and also in the fitness of things that they file an appropriate application or take recourse in law before the apex court. It is in this backdrop that we are not expressing ourselves

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at all on the merits of the matter and subject to aforesaid, we dismiss the present petition as not maintainable at this stage.

Sarweshwar Jha

(Sarweshwar Jha)
Member(A)

V.S. Aggarwal

(V.S. Aggarwal)
Chairman

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