

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s).5979___ OF 2011
(arising out of SLP(C)No.11671 of 2009)

UNION OF INDIA AND OTHERS ...Appellant(s)

VERSUS

RAM PROBESH MONDAL AND OTHERS ...Respondent(s)

O R D E R

Leave granted.

This appeal is directed against order dated 10.6.2008 of the Division Bench of the Calcutta High Court whereby the writ petition filed by the appellants against the order passed by the Calcutta Bench of the Central Administrative Tribunal (for short, "the Tribunal") quashing the inter se seniority of respondent Nos.1 to 26 and other private respondents was dismissed.

We have heard Shri P.P. Malhotra, learned Additional Solicitor General appearing for the appellants and Shri Bijan Kumar Ghosh, learned counsel for respondent Nos.1 to 26 and scrutinised the record.

It is borne out from the record that the contesting parties had not placed before the Tribunal and the High Court the policy contained in letter dated 21.4.1989 issued by the

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Government of India, Ministry of Railways/Railway Board for fixation of seniority of the surplus staff on their absorption in the new department.

Similarly, the policy contained in para 313A of the Indian Railway Establishment Manual Volume-I (Revised Edition 1989) was not brought to the notice of the

Tribunal and the High Court. Therefore, we feel that ends of

justice will be met by remitting the matter to the Tribunal for

fresh adjudication of the original application filed by respondent Nos.1 to 26.

The appeal is accordingly allowed, the impugned order of the High Court as also the one passed by the Tribunal are set aside and the matter is remitted to the Tribunal for fresh adjudication of the application filed by respondent Nos.1 to

26. The parties may, if so advised, file additional documents and affidavits before the Tribunal within a period of two months.

Insofar as the appellants are concerned, they must place before the Tribunal the relevant policy decisions of the Ministry of Railways/Railway Board and copies of the relevant paragraphs of the Indian Railway Establishment Manual Volume-I.

.....J.
(G.S. SINGHVI)

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.....J.
(H.L. DATTU)

NEW DELHI,
JULY 27, 2011.

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ITEM NO.2

COURT NO.10

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).11671/2009
(From the judgement and order dated 10/06/2008 in WPCT No. 719/2005
of The HIGH COURT OF CALCUTTA)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

RAM PROBESH MONDAL & ORS.

Respondent(s)

(With office report)

Date: 27/07/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s)

Mr. P.P. Malhotra, A.S.G.
Ms. Charuwali khanna, Adv.
Mr. Vikas Bansal, Adv.
Ms. Sushma Suri, A.O.R.[Not present]

