

Central Administrative Tribunal, Principal Bench

Original Application No.107 of 2002  
M.A.No.101/2002

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New Delhi, this the 14th day of January, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. Govindan S. Tampli, Member (A)

1. Shri Pale Ram,  
S/o of Shri Ram Chander

2. Shri Rameshwar  
S/o Shri Matpher

Both C/o Carriage Wagon Deptt.  
Old Delhi Railway Station

....Applicants

(By Advocate: Shri D.C. Sharma)

Versus

1. Union of India  
Through its Secretary,  
Ministry of Railways  
New Delhi

2. Senior Divisional Personnel Officer,  
DRM Office  
New Delhi

....Respondents

O R D E R (ORAL)

By Hon'ble Mr. Govindan S. Tampli, M(A)

Heard Shri D.C. Sharma, learned counsel for the applicants. The relief sought for in this OA is issuance of directions to the respondents to permit the applicants to continue to work in Class-III post with all benefits accruing therefrom.

2. The applicants are aggrieved by the impugned order No. 725E/9/4849/P-5 dated 23.4.2001 passed by the Divisional Personnel Officer, Northern Railway, New Delhi rejecting their request for promotion as Hammerman/Blacksmith. This order has been passed in pursuance of the Tribunal's directions dated 7.9.2000 in OA No. 2205/97. While disposing the aforesaid OA filed by

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the same applicants, the Tribunal directed that the respondents should examine the question of absorbing them against the vacancies provided and to the extent that they fall within the appropriate quota, in accordance with rules and instructions and subject to applicants' own eligibility and seniority for such absorption. The impugned order dated 23.4.2001 has specifically mentioned the order of the Tribunal dated 7.9.2000 by which the respondents have examined the issue and subsequently indicated that these applicants do not actually fall in the requisite quota. It has also been indicated that the applicants do not fulfil the eligibility condition for 25% departmental quota as they were not Matriculate and did not possess ITI/NCVT certificate.

3. The applicants' counsel refers to another letter of 5.4.99 which relates to holding of a much earlier trade test for the post of Blacksmith Gr.III and seeks to get benefit out of the same. The same cannot be accepted as the impugned order has been issued by the respondents in pursuance of the implementation of Tribunal's order dated 7.9.2000 wherein the respondents have been directed to consider the case of the applicants in the event they furnish details of the vacancies in the grade of Hammerman/Blacksmith. As the applicants have failed to furnish details of the vacancies in the aforesaid grade, the impugned order cannot be assailed in law and as such, the OA is dismissed at the admission stage. *itself without more of 2nd A.*

( Govindan S. Tamai )  
Member (A)

/dkm/

( Ashok Agarwal )  
Chairman