

Central Administrative Tribunal, Principal Bench

O.A.No.1958/2001,M.A.1641/2001
with O.A.Nos.2441/2001,2442/2001 & 2443/2001

New Delhi, this the 5th day of December, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. S.A.T. Rizvi, Member (A)

O.A.1958/2001

1. Shri Satya Pal
s/o Shri Daulat Ram
Office Superintendent-I, Personnel Branch
Northern Railway, Baroda House,
New Delhi

R/o 4, Ram Nagar Extension-II
Delhi-51

2. Ms. Kiran Wadehra,
Office Superintendent-II, Personnel Branch
Northern Railway, Baroda House,
New Delhi

R/o E-133, Sector-20
Noida

3. Shri Gladwin Singh
Office Superintendent-II, Personnel Branch
Northern Railway, Baroda House,
New Delhi

R/o 57A, DDA Flats, Pocket 'C' Phase-III
Ashok Vihar, Delhi-52

4. Smt. Sushma Kapoor,
Office Superintendent-II, Personnel Branch
Northern Railway, Baroda House,
New Delhi

R/o GH-10/2-B/Sunder Apartment,
Paschim Vihar, Delhi

....Applicants

(By Advocate: Shri K.K. Patel)

Versus

1. Union of India, through
General Manager
Northern Railway
Headquarter Office, Baroda House
New Delhi

2. Chief Personnel Officer
Northern Railway
Headquarter Office, Baroda House
New Delhi

3. Shri Karan Singh
Working as Office Superintendent-I
Personnel Branch,
Northern Railway, Baroda House,
New Delhi.

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10

4. Shri Sant Lal Rajora
Working as Office Superintendent-I
Personnel Branch,
Northern Railway, Baroda House,
New Delhi.

5. Shri Shan Chand
Working as Office Superintendent-I
Personnel Branch,
Northern Railway, Baroda House,
New Delhi.

6. Shri Bhupinder Nath
Working as Office Superintendent-II
Personnel Branch,
Northern Railway, Baroda House,
New Delhi.

7. Shri Dwarka Prasad,
Working as Office Superintendent-II
Personnel Branch,
Northern Railway, Baroda House,
New Delhi.

8. Shri Rajinder Prasad
Working as Office Superintendent-II
Personnel Branch,
Northern Railway, Baroda House,
New Delhi.

.... Respondents

(By Advocate: Mrs. Meera Chhibber and Shri Rajinder
Khatter, for official respondents
Shri P.M. Ahlawat, for private respondents)

O.A. 2441/2001

1. Smt. Prakash Gupta,
Office Superintendent-I, Operating Branch,
Northern Railway, Baroda House,
New Delhi

2. Shri V.K. Bhatnagar,
Office Superintendent-I, Operating Branch,
Northern Railway, Baroda House,
New Delhi

3. Smt. Ramesh Batra,
Office Superintendent-I, Operating Branch,
Northern Railway, Baroda House,
New Delhi

4. Smt. Shashi Kant Dogra,
Office Superintendent-II, Operating Branch,
Northern Railway, Baroda House,
New Delhi

5. Smt. Hitender Kumar Wasan,
Head Clerk, Operating Branch,
Northern Railway, Baroda House,
New Delhi

.... Applicants

(By Advocate: Shri K.K. Patel)

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11

Versus

1. Union of India, through
General Manager
Northern Railway
Headquarter Office, Baroda House
New Delhi
2. Chief Personnel Officer
Northern Railway
Headquarter Office, Baroda House
New Delhi
3. Shri Ghanshyam Jarai
Working as Office Superintendent-I
Operating Branch,
Northern Railway, Baroda House,
New Delhi.
4. Shri R.C. Meena,
Working as Office Superintendent-I
Operating Branch,
Northern Railway, Baroda House,
New Delhi.
5. Shri Ram Hans Meena,
Working as Office Superintendent-II
Operating Branch,
Northern Railway, Baroda House,
New Delhi.
6. Shri Charan Lal Meena,
Working as Office Superintendent-II
Operating Branch,
Northern Railway, Baroda House,
New Delhi.
7. Shri Bhagwan Das,
Working as Head Clerk
Operating Branch,
Northern Railway, Baroda House,
New Delhi.

.... Respondents

(By Advocate: Mrs. Meera Chhibber)

O.A. 2442/2001

1. Shri B.D. Sharma,
Office Superintendent-I, Statistical Branch
Northern Railway, Baroda House,
New Delhi
2. Smt. Sumitra Harjai,
Office Superintendent-II
Traffic Accounts Office,
State Entry Road,
New Delhi
3. Ms. Amita Malhotra
Head Clerk, Statistical Branch
Traffic Accounts Office,
State Entry Road,
New Delhi

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(12)

4. Ms. Vinay Kumari
Head Clerk, Statistical Branch,
Northern Railway, Baroda House,
New Delhi

....Applicants

(By Advocate: Shri K.K. Patel)

Versus

1. Union of India, through
General Manager
Northern Railway
Headquarter Office, Baroda House
New Delhi

2. Chief Personnel Officer
Northern Railway
Headquarter Office, Baroda House
New Delhi

3. Shri Kapilshwar
Working as Office Superintendent-I
Statistical Branch,
Northern Railway, Jodhpur

4. Shri N.C. Das
Working as Office Superintendent-I
Statistical Branch,
Northern Railway, Jodhpur

5. Shri Som Nath
Working as Office Superintendent-II
Northern Railway, Baroda House,
New Delhi.

6. Ms. Veena Kumari
Working as Office Superintendent-II
Statistical Branch,
Traffic Accounts Office
State Entry Road,
New Delhi.

7. Shri Ved Prakash,
Working as Head Clerk
Statistical Branch,
Northern Railway, Baroda House,
New Delhi.

8. Shri Prem Nath
Working as Head Clerk
Statistical Branch,
Northern Railway, Baroda House,
New Delhi.

....Respondents

(By Advocate: Mrs. Meera Chhibber)

O.A. 2443/2001

1. Shri Har Bhagwan
Office Superintendent-I, Electrical Branch
Northern Railway, Deputy CEE (PRJ)
Office IRCA Building
New Delhi

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613

-5-

2. Shri Dharam Vir
Office Superintendent-I
Electrical Branch
Northern Railway, Baroda House
New Delhi
3. Smt. Neelam Dadlani
Office Superintendent-II
Electrical Branch
Northern Railway, Baroda House
New Delhi
4. Smt. Rajni Kumar
Office Superintendent-II
Electrical Branch
Northern Railway, Baroda House
New Delhi
5. Shri P. J. Jacob,
Head Clerk,
Electrical Branch
Northern Railway, Baroda House
New Delhi
6. Smt. Swarn L. Anand
Head Clerk
Electrical Branch
Northern Railway, Baroda House
New Delhi

....Applicants

(By Advocate: Shri K.K. Patel)

Versus

1. Union of India, through
General Manager
Northern Railway
Headquarter Office, Baroda House
New Delhi
2. Chief Personnel Officer
Northern Railway
Headquarter Office, Baroda House
New Delhi
3. Shri J. R. Punia,
Working as Office Superintendent-I
Electrical Branch,
Northern Railway, Baroda House,
New Delhi
4. Shri Mohinder Singh
Working as Office Superintendent-I
Electrical Branch,
Northern Railway, Baroda House
New Delhi
5. Smt. Kamlesh
Working as Office Superintendent-I
Electrical Branch,
Northern Railway, Baroda House,
New Delhi.

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124

6. Shri Vinod Kumar Hazara
Working as Office Superintendent-I
Electrical Branch,
Northern Railway, Baroda House,
New Delhi.
7. Shri Udai Vir Singh
Working as Office Superintendent-II
Electrical Branch,
Northern Railway, Baroda House,
New Delhi.
8. Shri Pyare Lal
Working as Head Clerk
Electrical Branch,
Northern Railway, Baroda House,
New Delhi.
9. Shri Ashok Kumar,
Working as Head Clerk
Electrical Branch,
Northern Railway, Baroda House,
New Delhi.
10. Shri Jai Raj
Working as Head Clerk
Electrical Branch,
Northern Railway, Baroda House,
New Delhi.
11. Shri Shyam Kartik
Working as Head Clerk
Electrical Branch,
Northern Railway, Baroda House,
New Delhi.
12. Shri B.R. Meena
Working as Head Clerk
Electrical Branch,
Northern Railway, Baroda House,
New Delhi.

.... Respondents

(By Advocate: Mrs. Meera Chhibber)

O R D E R (ORAL)

By Justice Ashok Agarwal, Chairman

On application made by Shri K.K. Patel, applicants no. 3 and 4 in OA-2442/2001, 5 and 6 in OA-2443/2001 and 5 in OA-2441/2001 are dropped with liberty to the said applicants to institute fresh proceedings on the same cause of action.

2. Present set of applications raise common

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question of facts and law and hence the same are being disposed of by the present common order.

3. Applicants in the present OAs are Office Superintendents grade-I/II in the Northern Railway. Certain candidates belonging to Schedule Caste and Scheduled Tribe category were earlier promoted to the aforesaid posts of Office Superintendents grade-I/II on account of accelerated promotions granted to them due to reservations. On promotion of the applicants to the said posts, they claimed their original seniority over and above the Scheduled Caste and Scheduled Tribe candidates who had earlier been promoted on account of accelerated promotions. Aforesaid claim is based on a decision of the Supreme Court in the case of Ajit Singh & ors.(II) vs. State of Punjab & ors., (1999) 7 SCC 209 which has inter-alia ruled as under:

"92. Where before 1.3.1996, i.e. the date of Ajit Singh judgement(1) at Level 3, there were reserved candidates who reached there earlier and also senior general candidates who reached there later (but before the reserved candidate was promoted to Level 4) and when in spite of the fact that the senior general candidate had to be treated as senior at Level 3 (in view of Ajit Singh(1), the reserved candidate is further promoted to Level 4 - without considering the fact that the senior general candidate was also available at Level 3 - then, after 1.3.1996, it becomes necessary to review the promotion of the reserved candidate to Level 4 and reconsider the same (without causing reversion to the reserved candidate who reached Level 4 before 1.3.1996). As and when the senior reserved candidate is later promoted to Level 4, the seniority at Level 4 has also to be refixed on the basis of when the reserved candidate at Level 3 would have got his normal promotion, treating him as junior to the senior general candidate at Level 3. Chander Pal vs. State of Haryana has to be understood in the manner stated above."

4. In our view, if one has regard to the aforesaid decision of the Supreme Court, the claim made by the applicants, we find, is well founded and the same deserves to be granted. In the circumstances, we direct the respondents to recast the seniority in terms of the aforesaid decision of the Supreme Court in the case of Ajit Singh (supra). This be done expeditiously and within a period of two months from the date of service of a copy of this order. It goes without saying that till such time the seniority list is recast in terms of the aforesaid decision, respondents will not order further promotions. Present OAs are disposed of in the aforesaid terms with no order as to costs.

(S.A.T. Rizvi)
Member(A)

(Ashok Agarwal)
Chairman

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Attested
Shanwar
CO. CF