

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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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, .... Respondents  
New Delhi.

(By Advocate: Mrs. Meera Chhibber and Shri Rajinder  
Katter, 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, .... Applicants  
New Delhi

(By Advocate: Shri K.K. Patel)

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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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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

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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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 aforesated terms with no order as to costs.

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

( Ashok Agarwal )  
Chairman

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Attest  
P. Agarwal  
CD-CF