

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 1491/99  
with  
T.A.No. OA 33/1999

1997

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DATE OF DECISION 16-8-2000

Om Prakash(OA 1491/99) .....Petitioner  
Madan Lal(OA 33/1999)

Sh.H.C.Sharma (OA 1391/99)....Advocate for the  
Sh.Jati Ram (OA 33/1999) Petitioner(s)

VERSUS

UOI through the Genl.Manager Respondent  
N.R. & Ors.

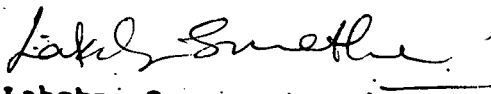
Sh.D.S.Jagotra(OA 1491/99)....Advocate for the  
None for the respondents(OA 33/99) Respondents.

CORAM

The Hon'ble Smt.Lakshmi Swaminathan, Member (J)

The Hon'ble Shri S.A.T. Rizvi, Member (A)

1. To be referred to the Reporter or not Yes
2. Whether it needs to be circulated to other Benches of the Tribunal? No.

  
(Smt. Lakshmi Swaminathan :  
Member)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

OA 1491/99

MA 1671/99

with

OA 33/1999

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New Delhi this the 16th day of August, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Hon'ble Shri S.A.T. Rizvi, Member (A)

OA 1491/99

Om Prakash  
S/O Shri Sham Lal  
R/O F-84, Prem Nagar,  
Nangloi, Delhi.

.. Applicant

(By Advocate Shri H.C. Sharma )

Versus

1. UOI through the  
General Manager,  
Northern Railways, Baroda House,  
New Delhi.

2. Dy. C.M.E.,  
Northern Railways, Diesel Shed,  
Shakur Basti, Delhi-34.

3. Shri Madan Lal  
Diesel Jamadar,  
Diesel Shed, Northern Railways,  
Shakur Basti, Delhi-34

.. Respondents

(By Advocate Shri D.S. Jagotra for official  
respondents)

(By Advocate Shri Jati Ram for R-3 )

OA 33/1999

Madan Lal  
S/O Sh. Harphool Singh,  
Crane Jamadar at Diesel Shed,  
Northern Railway, Shakurbasti, Delhi  
R/O 307/2, Railway Colony, Shakurbasti,  
Delhi-110034.

.. Applicant

(By Advocate Shri Jati Ram )

Versus

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

2. The Divisional Railway Manager,  
Northern Railway, D.R.M. Office,  
New Delhi.

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3. The Dy.Chief Superintendent Engineer  
(Technical) Diesel Shed,  
Northern Railway, Shakur Basti,  
Delhi-110034.

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.. Respondents

(None for the respondents )

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Member (J)

The aforesaid two applications, namely, OA 1491/99 with MA 1671/99 have been heard together with OA 33/99 as the facts and issues raised in the aforesaid two OAs are similar. With the consent of the parties, these two OAs are being disposed of by this common order. It is noticed from the Tribunal's order dated 5.11.1999 that MA 1671/99 which has been filed by the applicant has been dismissed for default and non-prosecution. However, it is noticed from the reply filed by the respondents dated 17.2.2000 that the reply on behalf of <sup>the</sup> respondents, has been filed by Divisional Personnel Officer, Northern Railway, DRM Office, New Delhi.

2. We have carefully perused the pleadings in the aforesaid two applications and considered the submissions made by the learned counsel for the parties.

3. From the replies filed by the respondents it is evident that the respondents have not considered the applicant, Shri Om Prakash in OA 1491/99, for the post of Crane Jamadar, which they have admitted has been erroneously done. It is also clear that the applicant, Shri Madan Lal in OA 33/99, has continued <sup>in</sup> for the post of Crane Jamadar from the date of his promotion i.e. 24.6.1997 and, thereafter, continued by the Tribunal's <sup>in</sup> interim order dated 6.1.1999. The official

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respondents have, however, submitted that because of this ad interim order, he could not be reverted to his original post, although from the pleadings it is apparent that the applicant, Shri Om Prakash, has <sup>not</sup> ~~also~~ been considered for selection in that post, in accordance with the Recruitment Rules. As this has not been done, the contention of Shri H.C. Sharma, learned counsel for the applicant in OA 1491/99 is entitled to succeed, namely, that the applicant who is senior to Shri Madan Lal (Applicant in OA 33/99) should be considered for selection to the post of Crane Jamadar.

3. In the above facts and circumstances of the case, OA 1491/99 and OA 33/99 are disposed of with the following directions:-


(i) The respondents are directed to consider <sup>the</sup> ~~also~~ eligible candidates for selection/promotion to the post of Crane Jamadar, including the applicant, Sh. Om Prakash, having regard to the vacancies, in accordance with the relevant Rules and instructions. This shall be done within one month from the date of receipt of a copy of this order with intimation to the applicants;

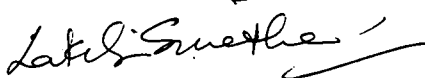
(ii) In the meantime, we make it clear that the respondents shall not revert the applicant, Sh. Madan Lal, till the final decision is taken as above.

No order as to costs.

4.

Let a copy of this order be placed in OA 33/1999.

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

  
(Smt. Lakshmi Swaminathan)  
Member(J)