

Central Administrative Tribunal
Principal Bench

O.A. No. 331 of 1999

New Delhi, dated this the 20th February, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. Shri H.N. Verma,
S/o Shri Agarat Lal,
R/o Railway Colony,
Muradabad, U.P.
2. Shri Ram Kumar,
S/o Shri Ungha Ram,
R/o Railway Colony,
Muradabad, U.P.
3. Shri Vijay Bahadur,
S/o Shri Ram Saetan,
R/o L-35B, Railway Colony,
Roja, U.P.
4. Surinder Kumar,
S/o Shri Mam Chand,
R/o 74-A, Railway Colony,
Muradabad, U.P. .. Applicants

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The General Manager (P),
Northern Railway, Baroda House,
New Delhi.
3. The Divisional Railway Manager,
Northern Railway,
Muradabad, U.P.
4. Shri Ram Pal Singh, Guard,
5. Shri Balishter Singh, Guard
6. Shri Ram Mohan, Guard
7. Shri R.S. Ram, Guard
8. Shri J.P. Singh, Guard
ZTC, Northern Railway,
Chandausi, U.P. .. Respondents

(By Advocate: Shri R.L. Dhawan)

ORDER (Oral)S.R. ADIGE, VC (A)

Applicants impugn respondents' orders of May, 1998 (Annexure A-1); dated 23.10.97 (Annexure A-2) and dated 3.6.97 (Annexure A-3) and pray that Respondents be directed to consider their case and cases of similarly situated persons for promotion as Passenger Guard in the scale of Rs.1350-2200 in preference to juniors on the basis of modified selection.

2. We have heard Shri Yogesh Sharma for applicants and respondents' counsel Shri R.L. Dhawan.

3. Shri Dhawan has invited our attention to the selections for the post of Passenger Guard held by respondents on 11.6.96 and as well as the relevant DPC proceedings.

4. A perusal of the same indicates that out of the four applicants before us, all of whom belong to SC community, one was absent during this selection while the other three did not secure the minimum 60% marks to qualify. Under the reserved category candidates junior to applicants who secured more marks than applicants, have been empanelled in the aforesaid selection and, therefore, applicants cannot

contend that the selection process was arbitrary, or that vacancies available for reserved category candidates were filled by non-reserved category candidates.

5. Shri Yogesh Sharma, however, informs us that applicants who were promoted as Passenger Guard on ad hoc basis on 24.10.96 in the scale of Rs.1350-2200 are continuing as such, and have not been replaced by regularly selected candidates as yet. Shri Dhawan states that he has no information on this point.

6. While applicants will have to make way for regularly selected candidates, we direct that if Shri Sharma's assertions contained in Para 5 above are correct, they may be allowed to continue as passenger guard till they are replaced by regularly selected candidates.

7. The O.A. stands disposed of in terms of Para 6 above. No costs.

A. Vedavalli
(Dr. A. Vedavalli)
Member (J)

'gk'

S. R. Adige
(S. R. Adige)
Vice Chairman (A)