

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

OA. No. 2436 of 1998

New Delhi, this 14th day of November 2000

HON'BLE SHRI KULDIP SINGH, MEMBER(J)  
HON'BLE SHRI M.P. SINGH, MEMBER(A)

18

1. Om Prakash Shukla  
S/o Shri Jagropan
2. Bali Ram Ram  
S/o Shri Kishun Ram
3. Ram Rattan Shukla  
S/o Shri Latoori
4. Moti Lal  
S/o Shri Harbhajan Lal
5. Kali Prasad  
S/o Shri Prabhu Nath
6. Ghanshyam Prasad  
S/o Shri Vishwanath Prasad
7. Dayashankar Yadav  
S/o Shri Ram Sahai
8. Amarnath  
S/o Shri B.N. Srivastava
9. Kishan Pal  
S/o Shri Bishambhar Dass
10. Rakesh Malik  
S/o Shri Ram Malik
11. Daleep Singh  
S/o Shri Kanhaiya Lal
12. Jagat Singh  
S/o Shri Mohan Singh

(all are working as group 'D' employees  
under the Respondent No. 3 at Delhi)

... Applicants

(By Advocate: Shri U. Srivastava)

versus

Union of India  
Through

1. The General Manager  
Northern Railway  
Baroda House, New Delhi.
2. The Divisional Railway Manager  
Northern Railway  
State Entry Road  
New Delhi.

km

3. The Chief Personnel Officer  
Northern Railway  
Baroda House  
New Delhi ... Respondents

(By Advocate: Shri D.S. Jagotra)

(19)

ORDER(oral)

Hon'ble Shri Kuldip Singh, M(J)

This OA has been filed by the applicants jointly seeking following relief:-

"(a) direct the respondents to fill up all the 19 posts which were existing during the ban period through promotion method amongst the departmental candidates only as the similar procedure has been adopted by the other Divisions for promotion during the ban period and no vacancy was given to the RRBs for direct recruitments. ...."

2. During the course of hearing, an interim order was also passed vide order dated 21.5.1999 by which the applicants were allowed to sit in the written test for the post of Horticulture Supervisor in the supplementary test which was scheduled to be held on 29.5.1999 or any subsequent dates, subject to their being eligible for the same, and results shall be kept in a sealed cover till the disposal of the OA.

3. The learned counsel for the respondents fairly submits that the OA can be disposed of by vacating the interim order and directing the respondents to declare the results of the written test held for selection to the post of Horticulture Supervisor and to consider the candidates for promotion to the aforesaid post in accordance with rules.

for

4. The learned counsel for the applicants has no objection and says that the interim order may be vacated and persons may be promoted as per the results.

(20)

5. The other claim of the learned counsel for the applicants is that the General Manager, Northern Railway, himself vide his order dated 3.12.1997, directed various DRMs etc. to take initiative to create Group 'C' posts for promotion of Group 'D' employees. In support of this, he has also filed judgement of this Tribunal in OA. 1610/97 decided on 28.7.1998. The said OA was disposed of with the following directions:-

"a) The respondent no.2 shall take fresh initiative to create the posts in group "c" or promotional categories on the basis as at A-1 or communication issued by the General Manager dated 3.12.1997. This exercise shall be completed within a period of six months from today keeping all those concerned informed particularly the applicants herein. We hope the respondents like the Railways shall adhere to the standards by which they profess.

b) We may make it clear that the applicants shall be considered for promotion from one category to another subject to rules/regulations on the subject since change of category from Group 'D' to Group 'C' would require resorting to reduction process.

c) The applicants will have the liberty to agitate the issue afresh in case their grievance continue unresolved in future. . . ."

6. The learned counsel for respondents submits that the department would have no

11/

objection to examine the position as to creation of more vacancies as per the directions given in OA. 1610/97.

(2)

7. So, accordingly we dispose of the OA and direct that the respondents shall declare the results of the examination conducted by the Department for promotion of the persons including the applicants to the post of Horticulture Supervisor and give promotion to those who qualified in the said examination in accordance with rules. This shall be done within a period of two months from the date of receipt of copy of this order.

8. The respondents shall also take initiative to create more posts in Group 'C' or promotional categories for promotion of Group 'D' employees in accordance with their own letter dated 3.12.1997 on the subject, within a period of six months from the date of receipt of a copy of this order.

9. The OA is disposed of with the above directions. No costs.

  
(M.P. Singh)  
Member(A)

  
(Kuldip Singh)  
Member(J)