

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA.No.1142 of 1997

(4)

Dated New Delhi, this 24th day of July, 1997.

HON'BLE DR JOSE P. VERGHESE, VICE CHAIRMAN (J)
HON'BLE MR K. MUTHUKUMAR, MEMBER (A)

1. Shri Har Bhajan Singh
S/o Shri Boota Singh
Age 57 years
Junior Inspector of Tickets
Delhi Division, Northern Railway
New Delhi
R/o E-19, Chander Nagar
Delhi-110 051

2. Shri Sham Lal
Age 57 years
S/o Shri Mahesh Ram
Junior Inspector of Tickets
Delhi Division, Northern Railway
New Delhi
R/o H.No.36, Galli No.3,
Shiv Mandir Gali Mauzpur,
Shahdara, Delhi-53

3. Shri Bhagwant S. Sharma
Age 54 years
S/o Shri Bhola Ram
Junior Inspector of Tickets
Delhi Division, Northern Railway
New Delhi
R/o H.No.1/2139, Ekta Nagar
Shakrpur, Shahadara, Delhi

4. Shri S.S.Sahni
Age 52 years
S/o Shri Jiwan Singh Sahni
Junior Inspector of Tickets
Delhi Division, Northern Railway
New Delhi
R/o WZ-346 Shiv Nagar
New Delhi-110 058

5. Shri Parvesh Chander
Age 52 years
S/o Shri Diwan Chand
Junior Inspector of Tickets
Delhi Division, Northern Railway
New Delhi
R/o R-439, Model Town
Panipat.

6. Shri J.K.Sehgal
Age 56 years
S/o Shri Ram Rattan Sehgal
Junior Inspector of Tickets
Delhi Division, Northern Railway
New Delhi
R/o D-200, Lok Vihar, Pritampura
Delhi-110 034

7. Ms.Shakuntala Tandon
Age 54 years
D/o Shri Krishan Malhotra
Junior Inspector of Tickets
Delhi Division, Northern Railway
New Delhi
R/o H.No.5884, Subhash Mohalla
Gandhi Nagar, Delhi-110 031

8. Shri Ram Kanwar
Age 55 years
S/o Shri Rishal Singh
Junior Inspector of Tickets
Delhi Division, Northern Railway
New Delhi
R/o

9. Shri Girish Kumar
Age 55 years
S/o Shri G.P.Trikha
Junior Inspector of Tickets
Delhi Division, Northern Railway
New Delhi
R/o 27, Sector-23, Raj Nagar, Ghaziabad.

10. Shri Kuldip Singh Virdi
Age 57 years
D/o Dharan Singh
Junior Inspector of Tickets
Delhi Division, Northern Railway
New Delhi
R/o A-587/3A, Subhash Nagar, Delhi-110 052.

11. Shri R.K.Nayyar
Age 53 years
S/o Shri K.L.Nayyar
Junior Inspector of Tickets
Delhi Division, Northern Railway
New Delhi
R/o 7/11 Sewa Nagar Railway
New Delhi-110 003.

(6)

....Applicants

Advocate : Shri K.N.R.Pillay

VERSUS

1. Union of India
through The General Manager
Northern Railway
New Delhi.
2. The Divisional Railway Manager
Delhi Division, Northern Railway
State Entry Road,
New Delhi.
3. Shri Mahavir Singh
S/o Shri Makhan Singh
Junior Inspector of Tickets (L)
Delhi Main Station
Northern Railway
Delhi-6
4. Shri H.P.Singh
S/o Shri C.P.Singh
Junior Inspector of Tickets
Northern Railway
Delhi-6
5. Shri Balkrishan
S/c Shri Hira Lal
Junior Inspector of Tickets (L)
Delhi Main Station
Northern Railway
Delhi-6
6. Shri Dharmender Kumar
S/o Shri Parmanand
Junior Inspector of Tickets (L)
Delhi Main Station
Northern Railway
Delhi-6

7. Shri Surinder Pal Singh
Junior Inspector of Tickets (L)
Northern Railway
Meerut Cantt.

8. Shri Parmod Kumar
S/o Ramesh Chand
Junior Inspector of Tickets (L)
Delhi Main Station
Delhi-6

9. Shri Dalip Singh
S/o Shri K.Chand
Junior Inspector of Tickets (L)
Northern Railway
Ghaziabad (UP)

10. Shri Subhram Pal
S/o Shri M.Ram
Junior Inspector of Tickets
Delhi Main Station
Northern Railway
Delhi-6

11. Shri Ram Saran
S/o Shri Gokal Singh
Junior Inspector of Tickets (L)
New Delhi Railway Station
New Delhi

12. Shri D.V.Singh
S/o Amar Singh
Junior Inspector of Tickets (L)
New Delhi Railway Station
New Delhi

13. Shri Tribhuwan Prasad
S/o Shri M.Ram
Junior Inspector of Tickets (L)
New Delhi Railway Station
New Delhi.

... Respondents

By Advocate: None for official respondents.
Shri Yogesh Sharma for private respondents.

O R D E R (ORAL)

(8)

Dr Jose P. Verghese, VC(J)

The case of the applicants is that they are all Junior Inspector of Tickets in the scale of Rs.1600-2600 and are seeking promotion to the post of Chief Ticket Inspector in the scale of Rs.2000-3200 which admittedly is a selection post. It is also stated that sanctioned strength of the cadre is 62 and at present the respondents are proposed to fill up 23 vacancies. It is stated on behalf of the private respondents that the selection has already been done and the incumbents have already joined. Now the question is whether this can be challenged on the basis of the ratio decided by the Supreme Court in Vir Pal Singh Chauhan as well as Ajit Singh Januja's case.

2. The contention of the learned counsel for the applicants is that even though the method of recruitment is by way of selection, the respondents have always given seniority a special consideration and the seniority list now prepared contains total number of 69 candidates. According to the applicants, all the reserved candidates are on the top of the seniority list and they are likely to be promoted. According to them the seniority list should have been revised in accordance with the

judgement of the Supreme Court and thereafter seniority of the reserved candidates be re-determined. We are unable to agree with the said contention. The ratio in **Vir Pal Singh Chauhan and Ajit Singh**'s case has now become inapplicable in view of the decision of the Supreme Court in its latest judgement in **Jagdish Lal & Ors Vs State of Haryana & Ors** reported in JT 1997(5) S.C.387. To quote:

....In fact, this Court in **Vir Pal Chauhan**'s case further pointed out that when reserved candidates were promoted from the initial stage to further stage, circular letter had no application and the seniority of the reserved candidates was required to be determined on the basis of seniority position occupied by him in the promoted post. This clearly explains that this Court did not intent to depart from the normal service jurisprudence; nor did it intend to lay down any separate rule of interpretation in determining inter se seniority of the reserved candidates and the general candidates and their fusion into common seniority in the higher echelons yielding placement of seniority to the general candidates over the erstwhile junior reserved candidates. Equally, the ratio in **Ajit Singh**'s case, as rightly pointed out by the High Court, is applicable. It did not lay down any separate rule in this behalf."

3. The learned counsel for the applicants further argued that **Vir Pal Singh Chauhan**'s case as well as **Ajit Singh**'s case being a judgement of a Bench of three judges, it is not understandable how a Bench of the same number of co-ordinate judges can overrule the previous decision.

4. On a plain reading of the decision of the Supreme Court in Jagdish Lal's case, we find that ratio in Vir Pal Singh Chauhan and Ajit Singh has not been overruled by a subsequent c-ordinate Bench. We also find that Jagdish Lal's case only has advanced the principles contained in the previous decisions without overruling the same, and Jagdish Lal's case being the latest judgement of a Bench of three Judges of the Supreme Court, we are bound to abide by the ratio of this judgement under Article 141 of the Constitution of India, that being a binding precedence on us.

5. It is also stated by the learned counsel for the applicants that on facts the case of Jagdish Lal decided by the Supreme Court is distinguishable. We are afraid that it is not possible for us to agree with this contention. The Supreme Court in Jagdish Lal has positively referred to the case of Vir Pal Chauhan as well as Ajit Singh and has laid down that the ratio of these two cases have now become inapplicable.

6. We had issued notice to the respondents and the respondents had appeared and sought time to file reply and no reply is filed till today. Since the OA has been originally filed to

(11)

claim relief on the basis of Vir Pal Singh Chauhan and Ajit Singh's case and we find that the ratio has undergone change in view of the Jagdish Lal's case, we find it not necessary to adjudicate the matter any further and we dismiss this application on the basis of the latest judgement of the Supreme Court in Jagdish Lal's case.

No order as to costs.


(K. MUTHUKUMAR)
MEMBER(A)


(DR JOSE P. VERGHESE)
VICE CHAIRMAN(J)

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