

Central Administrative Tribunal  
Principal Bench

O.A. No. 2159 of 1994

New Delhi, dated this the 7<sup>th</sup> September, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)  
Hon'ble Mr. Kuldip Singh, Member (J)

S/Shri

1. Kulvender Singh  
S/o Shri Avtar Singh
2. Roshan Lal  
S/o Shri Bhoji Ram
3. Gandra Pal Singh,  
S/o Shri Lala Ram
4. Phubeshwar Singh,  
S/o Shri Harihar Singh
5. Rajesh Kumar  
S/o Shri Meer Singh
6. Chander Pal  
S/o Shri Kavar Lal
7. Beena Nand  
S/o Shri Kaniya
8. Raj Narain Prasad  
S/o Shri Ram Parkash Prasad
9. Naresh Chand  
S/o Shri Kulanand Sharma
10. Giameshwar Dayal  
S/o Shri Jai Prakash
11. Bijander Pal Singh  
S/o Shri Baboo Singh
12. Mahender Singh  
S/o Shri Kunwar Singh
13. Hare Krishan Sharma  
S/o Shri Kedar Sharma
14. Rajender Kumar,  
S/o Shri Boota Ram
15. Veer Singh  
S/o Shri Dalip Singh
16. Sudesh Kumar  
S/o Shri Bansi Dhar

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17. Virender Kumar  
S/o Shri Ved Prakash
18. Anirudh Singh,  
S/o Shri Kamla Singh
19. Madan Singh  
S/o Shri Dhan Singh
20. Arvind Kumar  
S/o Shri Musafir
21. Dinesh Kumar Tyagi  
S/o Shri Surender Kumar Tyagi
22. Rajvir Singh,  
S/o Shri Banwari Lal
23. Nehru Lal  
S/o Shri Puranmal Sharma
24. Ashok Kumar  
S/o Shri Vasdev ... Applicants

(By Advocate: Shri B.S. Mainee)

Versus

1. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. The Divl. Railway Manager,  
Northern Railway,  
New Delhi. ... Respondents

(By Advocate: Shri R.P. Aggarwal)

ORDER

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicants seek a direction to respondents to consider them for promotion to the post of Fitters against the 25% quota to be filled up by ITI qualified apprentices, as also against the qualified educational having requisite qualifications.

2. Respondents do not deny that as per Recruitment Rules, the post of Fitter is to be filled from three sources mentioned in Para 4.4 of the O.A.

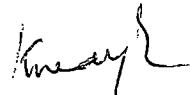
3. Applicants do not specifically deny the contents of Para 4.7 of the O.A. that they figure in the list of 135 candidates called for the written test which was to be held on 10.12.95 against the 25% "talented" quota i.e. Para 4.4 (ii) of the O.A. (17)

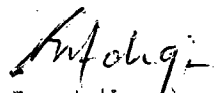
4. In so far as applicants' claim to be called as candidates under the 25% quota mentioned in Para 4.4 (1) of the O.A. is concerned, it is clear that applicants if otherwise eligible and qualified, have to compete with the open market candidates, but while doing so they would be entitled to age relaxation admissible to serving employees.

5. In Para 4.7 of applicants' rejoinder it is clear that their actual grievance is that as respondents had not taken steps to fill up vacancies available under the 25% "talented" quota, those persons recruited under the remaining two quotas viz 50% quota and 25% quota would become senior to them. While applicants have been called for the written test which was to be held on 10.12.95 for the 25% "talented" quota neither side told us whether applicants were successful in that test, and respondents' counsel was also unable to tell us whether respondents had held any test subsequent to the one on 10.12.95 under the 25% "talented" quota.

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6. We dispose of this O.A. by enjoining upon respondents the need for filling up the posts of Fitter strictly in accordance with the relevant rules and instructions, and while doing so adhering strictly to <sup>the</sup> time schedule <sup>if</sup> any, that may have been prescribed for the purpose. No costs.

  
(Kuldip Singh)  
Member (J)

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

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