



**Central Administrative Tribunal
Principal Bench, New Delhi**

**OA No.1301/2020
MA No.1633/2020**

Today this the 17th day of September, 2020

Through video conferencing

**Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Galave Machhindra Uttam, Age 27 years
Batch & Service 2018, IRPS
S/o Shri Uttam Yesappa Galave
Presently at :
National Academy of Indian Railways,
Vadodara 390004
2. Vanya Are, Age 25 Years
Batch & Service 2017, IRAS
D/o Shri Prabhudas Are
Presently at :
IRIFM, Secunderabad, Railway Colony,
Moula Ali, Secunderabad,
Telangana 500047
3. Aditya Tripathi, Age 26 years
Batch & Service 2017, IRAS
S/o Shri Sudhir Tripathi
Presently at :
IRIFM, Secunderabad, Railway Colony,
Moula Ali, Secunderabad,
Telangana 500047
4. Alok Singh, Age 27 years
Batch & Service 2018, IRAS
S/o Shri Anil Kumar Singh
Presently at :
IRIFM, Secunderabad, Railway Colony,
Moula Ali, Secunderabad,
Telangana 500047



5. Vrushank NY, Age 27 years,
Batch & Service 2017, IRAS
S/o Shri NN Yuvaraj
Presently at :
IRIFM, Secunderabad, Railway Colony,
Moula Ali, Secunderabad,
Telangana 500047
6. Prashant Mishra, Age 23 years
Batch & Service 2018, IRAS
S/o Shri Aditya Kumar Mishra
Presently at :
IRIFM, Secunderabad, Railway Colony,
Moula Ali, Secunderabad,
Telangana 500047
7. Babitarani Swain, Age 27 years
Batch & Service 2017, IRAS
D/o Shri Krishna Chandra Swain
Presently at :
IRIFM, secunderabad, Railway Colony,
Moula Ali, Secunderabad,
Telangana 500047
8. Akshay Sharma, Age 29 years
Batch & Service 2017, IRAS
S/o Shri Arun Kumar Sharma
Presently at :
IRIFM, secunderabad, Railway Colony,
Moula Ali, Secunderabad,
Telangana 500047
9. Arun Balgotra, Age 27 years
Batch & Service 2017, IRAS
S/o Shri Triloki Nath
Presently at :
IRIFM, secunderabad, Railway Colony,
Moula Ali, Secunderabad,
Telangana 500047
10. Shivashish Kumar, Age 27 years
Batch & Service 2018, IRAS



S/o Shri Raghbendra Chaudhary
 Presently at :
 IRIFM, secunderabad, Railway Colony,
 Moula Ali, Secunderabad,
 Telangana 500047

11. Pranshu Sharma, Age 26 years
 Batch & Service 2017, IRAS
 S/o Shri Vijay Kumar Sharma
 Presently at :
 IRIFM, secunderabad, Railway Colony,
 Moula Ali, Secunderabad,
 Telangana 500047
12. Chitraa T, Age 29 years
 Batch & Service 2018, IRAS
 D/o Chitraa
 Presently at :
 IRIFM, Secunderabad, Railway Colony,
 Moula Ali, Secunderabad,
 Telangana 500047
13. Dr Sagar Chahar, Age 29 Years
 Batch & Service 2017, IRTS
 S/o Shri Anil Kumar
 Presently at :
 IRITM, Manak Nagar, Kanausi,
 Lucknow, 226011
14. Varsha Chhalotre, Age 29 years
 Batch & Service IRTS 2018
 D/o Shri R L Chhalotre
 Presently at :
 IRITM, Manak Nagar, Kanausi,
 Lucknow, 226011
15. Ranjeet Kumar, Age 33 years
 Batch & Service IRTS, 2018
 S/o Shri Hawaldar Rai
 Presently at :
 IRITM, Manak Nagar, Kanausi,
 Lucknow, 226011



16. Sameer Kishan, Age 30 years
Batch & Service 2017, IRTS
S/o Shri Manoj Kumar Singh
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011.
17. Pawan Kumar Yadav, Age 28 years
Batch & Service 2017, IRTS
S/o Shri R.S.Yadav
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011
18. Harshit Oraon, Age 28 years
Batch & Service 2017, IRTS
S/o Shri Niranjan Oraon
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011.
19. Aashish Madanlal Rawlani, Age 28 years
Batch & Service 2017, IRTS
S/o Shri Madan Gulabchand Rawlani
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011.
20. Abhishek Ranjan, Age 29 years
Batch & Service 2017, IRTS
S/o Shri Prabhu Nath
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011.
21. Mirza Qadir Baig, Age 28 years
Batch & Service 2018, IRTS
S/o Shri Mirza Ismail
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011.



22. Barhat Manoj Fatesinh, Age 28 years
Batch & Service 2018, IRTS
S/o Shri Barhat Fatesinh Pratapsinh
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011.
23. Yadvendra Singh Bhati, Age 30 years
Batch & Service 2018 IRTS
S/o Shri Mohan Singh Bhati
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow, 226011
24. Ashish, Age 26 years
Batch & Service 2017, IRTS
S/o Shri Dashrath Chandra Das
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow, 226011
25. Sachin Bansal, Age 25 years
Batch & Service 2018, IRTS
S/o Shri Girish Chand Bansal
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011.
26. Saurabh Mishra, Age 24 years
Batch & Service 2018, IRTS
S/o Shri Jagannath Mishra
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011.
27. Techi Kumar, Age 31 years
Batch & Service IRTS, 2018
S/o Shri Techi Bida
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011.



28. Sudarshan Bhat, Age 31 years
Batch & Service 2017, IRTS
S/o Shri Timmappa
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011.
29. Hemant Kumar Singh Kadian, Age 27 years
Batch & Service 2017, IRTS
S/o Shri Virender Singh
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011.
30. Shivaraj Saybanna Managiri, Age 28 years
Batch & Service 2017, IRTS
S/o Shri Saybanna
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011.
31. Daljeet Kumar, Age 25 years
Batch & Service 2018, IRTS
S/o Shri Tapeshwar Das
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011.
32. Mohammed Mustafa Aejaaz, Age 29 years
Batch & Service 2018, IRTS
S/o Shri Mohammed Faizuddin
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011.
33. Naini Sri Ranganadh Reddy, Age 25 years
Batch & Service 2017, IRTS
S/o Shri Naini Chalma Reddy
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011.



34. Panchal Alpesh Ramabhai, Age 28 years
Batch & Service 2018, IRTS
S/o Shri Ramabhai Panchal
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011.
35. Ashutosh Shrivastava, Age 30 years
Batch & Service 2017 IRTS
S/o Shri Pradeep Shrivastava
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011.
36. Animesh Ranjan, Age 29 years
Batch & Service 2018, IRTS
S/o Shri Mithilesh Kumar Pandey
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011.
37. Desai Neha Diwakar, Age 25 years
Batch & Service 2018, IRTS
S/o Shri Diwakar Desai
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011.
38. Pawan Kumar Vishwakarma, Age 29 years
Batch & Service 2017, IRTS
S/o Shri Shital Prasad Vishwakarma
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow, 226011
39. Lalitesh Kumar Meena, Age 27 years
Batch & Service 2018, IRTS
S/o Shri Radha Krishna Meena
Presently at :
IRITM, Manak Nagar, Kanausi,
Lucknow 226011.



40. Manoj S., Age 30 years
Batch & Service 2017, IRPS
S/o Shri Sembukutty
Presently at :
National Academy of Indian Railways,
Vadodara 390004.
41. Venkatesh Nayak, Age 29 years
Batch & Service 2017, IRPS
S/o Shri Dyavayya
Presently at :
National Academy of Indian Railways,
Vadodara 390004.
42. Capril Arora, Age 28 years
Batch & Service 2018, IRPS
S/o Shri Rajnish Arora
Presently at :
National Academy of Indian Railways,
Vadodara 390004.
43. Rahul Garg, Age 35 years
Batch & Service 2018, IRPS
S/o Shri Panna Ram
Presently at :
National Academy of Indian Railways,
Vadodara 390004.
44. Kundan Kumar Sahay, Age 31 years
Batch & Service 2018, IRPS
S/o Shri S N Sahay
Presently at :
National Academy of Indian Railways,
Vadodara 390004.
45. Rohit Nema, Age 32 years
Batch & Service 2018, IRPS
S/o Shri Vijay Kamal Nema
Presently at :
National Academy of Indian Railways,
Vadodara 390004.



46. Aditya, Age 25 years
Batch and Service No. IRPFS, 2017
S/o Shri Jaipal Singh
Presently at
JRRPF Academy, Talkatora Road,
Lucknow.
47. Saurav Kumar, Age 30 years
Batch and Service No. IRPFS, 2017
S/o Shri Anil Singh
Presently at
JRRPF Academy, Talkatora Road,
Lucknow.
48. A. Navin Prakash, Age 33 years
Batch and Service No. IRPFS, 2017
s/o Shri K. Authy
Presently at
JRRPF Academy, Talkatora Road,
Lucknow.
49. Rishu Priya, Age 31 Years
Batch and Service No. IRPFS, 2017
D/o Shri Rajendra Verma
Presently at
JRRPF Academy, Talkatora Road,
Lucknow.
50. Sanket Kumar, Age 25 Years
Batch and Service No. IRSME-2017
S/o Shri Arun Kumar Choudhary
Presently at :
Under Training at Patna
51. Arote Mithilesh Shantaram, Age 25 Years
Batch and Service No. IRSME -2017
S/o Shri Shantaram Karbhari Arote
Presently at
Online training at Chitalwedhe, Maharashtra
52. Lokesh Nanda, Age 26 Years
Batch and Service No. IRSME -2017



5/0 Shri Om Prakash Bunkar
Presently at
Online training at Jaipur

53. Shubham Meena, Age 23 Years
Batch and Service No. IRSME -2017
5/0 Shri Jagdish Prasad Meena
Presently at
online training, Jaipur

54. Suman Saurabh, Age 23 Years
Batch and Service No. IRSME -2017
S/o Shri Shiv Shankar Prasad
Presently at : Online training

55. Md Arif Waquar, Age 27 Years
Batch and Service No. IRSS -2017
S/o Shri Md Soib Ansari
Presently at
Training in Kolkata

56. Pushkar Verma, Age 23 Years
Batch and Service No. IRSME -2017
S/o Shri Rakesh Kumar Verma
Presently at
Online Training at Home Address
B3391 Panipat Refinery Township
Panipat Haryana 132140

57. Deependra Marwar, Age 28 Years
Batch and Service No. IRSEE-2017
S/o Shri Krishna Datt
Presently at :
Under Training at Secunderabad

58. Kunal Gururani, Age 25 Years
Batch and Service No. IRSEE-2017
S/o Shri G S Gururani
Presently at :
Under Training at New Delhi

59. Abhinav Kumar Rathor, Age 28 Years
Batch and Service No. IRSEE-2017
S/o Shree Chandra Rathor
Presently at :
Under Training at Bhilai Loco Shed

(By Advocates : Mr. Ashim Sridhar with Ms. Niyati Patwardhan)



Versus

1. Ministry of Railways,
Through Secretary
Union of India
Rail Bhawan,
New Delhi-110001.
2. Indian Railway Board
Through its Joint director (Training)
Rail Bhawan,
Raisina Road,
New Delhi -110001.
3. Union Public Service Commission
Through its Secretary, Dholpur House,
Shahjahan Road, New Delhi – 110069.
4. Department of Personnel & Training
Through Secretary
DOP&T) Ministry of Personnel,
Public Grievance & Pension,
North Block, New Delhi.

..Respondents

(By Advocates : Mr. R.V. Sinha and Mr. Krishan Kant Sharma)

Order (Oral)

Justice L. Narasimha Reddy, Chairman

The applicants were selected and appointed to various services in the Indian Railways in the years 2017 and 2018. They intend to appear for the Civil Services Examination (CSE) 2020. The Railways issued a Circular dated 27.04.2016, that stipulated conditions to be followed at the induction of the IRS Officers. One such condition is that the selected candidate shall submit a declaration to the effect that in case he plans to appear



in the next CSE, to improve his career prospects, he shall apply for grant of one year extraordinary leave. A sequel to this is that those who do not intend to appear in the next CSE, shall submit declaration in Form 'B', mentioning the same. They would be allowed to undergo training.

2. In this OA, the applicants challenge the Circular dated 27.04.2016. According to them, the Circular would deprive them of the opportunity to improve their career prospects, and it is arbitrary and unconstitutional. Various contentions are also urged.

3. Challenging this very circular, persons, similarly situated as the applicants filed O.A. No. 1567/2017, before this Tribunal. Through a detailed order dated 29.05.2019, the OA was dismissed. Following the same, several other OAs were also dismissed. Applicants in some of the OAs filed Writ Petition Nos. 6486/2019 and batch before the Hon'ble High Court of Delhi. Interim orders were passed on 30.05.2019, permitting them to appear in the CSE 2019. A further order was passed on 12.05.2019 in relation to the main examination. It was also observed that the appearance shall be subject to the result of the Writ Petitions. The Writ Petitions are pending.

4. The applicants herein intend to challenge the very Circular dated 27.04.2016. Initially, they filed Writ Petition No.6106/2020 before the Hon'ble High Court of Delhi. That



was dismissed as withdrawn, leaving it open to the applicants to approach this Tribunal. The Hon'ble High Court was also pleased to observe that it shall be open to the applicants to draw the attention of this Tribunal to the interim orders dated 30.05.2019 passed by the Hon'ble High Court of Delhi in Writ Petition Nos. 6486/2019 and batch.

5. We heard Mr. Ashim Sridhar with Ms. Niyati Patwardhan, learned counsel for the applicants and Mr. R.V. Sinha and Mr. Krishan Kant Sharma, learned counsel for the respondents.

6. As observed earlier, the challenge in this OA is to the Circular dated 27.04.2016. A batch of OAs, wherein the same Circular was challenged was dismissed by this Tribunal on 29.05.2019. As a matter of fact, number of OAs were dismissed thereafter, following the said judgment.

7. It is no doubt true that the Hon'ble High Court of Delhi passed interim orders dated 30.05.2019 and 12.05.2019 in Writ Petition Nos. 6486/2019 and batch. We, however, face a typical and delicate situation now. Having dismissed a batch of OAs, we cannot entertain the present OA, wherein the same Circular is challenged. It is only when the Hon'ble High Court of Delhi has finally decides, creating a situation for fresh adjudication on the circular that a OA of this nature can be entertained.



8. To be consistent with the earlier orders, we need to dismiss this O.A. also.

9. The learned counsel for the Applicants has drawn our attention to the interim orders dated 30.05.2019 and 12.05.2019 passed by the Hon'ble High Court of Delhi in W.P.No.6489/2019 & batch. It is not uncommon that when a situation exists for entertaining the OA, the orders that are passed by the Hon'ble High Court are to be respected and repeated by the Tribunal also. However, when the O.A. itself is not entertained, the question of our passing the interim order may not arise. It is in the discretion of the Hon'ble High Court, to pass such interim orders. With due respect, we express our inability to pass the interim orders, once we are dismissing the O.A.

9. The OA is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed) (Justice L. Narasimha Reddy)
Member (A) Chairman

/lg/jyoti/ankit