

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/230/2015

with

**MISC. APPLICATION NO. 291/124/2015,
ORIGINAL APPLICATION NO. 291/44/2016,
ORIGINAL APPLICATION NO. 291/45/2016,
ORIGINAL APPLICATION NO. 291/46/2016,
ORIGINAL APPLICATION NO. 291/47/2016,
ORIGINAL APPLICATION NO. 291/49/2016,
ORIGINAL APPLICATION NO. 291/115/2016,
ORIGINAL APPLICATION NO. 291/116/2016,
ORIGINAL APPLICATION NO. 291/117/2016,
ORIGINAL APPLICATION NO. 291/118/2016,
ORIGINAL APPLICATION NO. 291/119/2016,
ORIGINAL APPLICATION NO. 291/120/2016,
ORIGINAL APPLICATION NO. 291/121/2016,
ORIGINAL APPLICATION NO. 291/127/2016,
ORIGINAL APPLICATION NO. 291/150/2016,
ORIGINAL APPLICATION NO. 291/151/2016,
ORIGINAL APPLICATION NO. 291/152/2016,
ORIGINAL APPLICATION NO. 291/153/2016,
ORIGINAL APPLICATION NO. 291/154/2016,
ORIGINAL APPLICATION NO. 291/155/2016,
ORIGINAL APPLICATION NO. 291/156/2016,
ORIGINAL APPLICATION NO. 291/157/2016,
ORIGINAL APPLICATION NO. 291/158/2016,
ORIGINAL APPLICATION NO. 291/200/2016,
ORIGINAL APPLICATION NO. 291/203/2016**

and

ORIGINAL APPLICATION NO. 291/427/2017

Order reserved on 02.02.2021

DATE OF ORDER: 10.02.2021

CORAM

**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER
HON'BLE MRS. HINA P. SHAH, JUDICIAL MEMBER**

OA No. 291/230/2015 with MA No. 291/124/2015

Pappu Lal Meena son of Shri Kailash Chand Meena
aged about 33 years, resident of Village Ajamkheri
Post Dumoda, Tehsil Sawai Madhopur and presently
working as Assistant Loco Pilot, Under Senior Section

Engineer (TRO) / CT CC, West Central Railway,
Gangapur, Kota Division, Kota.

....Applicant

Shri C.B. Sharma, counsel for applicant (through
Video Conferencing).

VERSUS

1. Union of India through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Lakhan Singh, Assistant Loco Pilot, C/o CT CC, Gangapur City, West Central Railway, Kota Division.

....Respondents

Shri Anupam Agarwal, counsel for respondent Nos. 1
& 2 (through Video Conferencing).

OA No. 291/44/2016

Raj Kumar Meena son of Shri Hari Kesh Meena, aged about 34 years, resident of Quarter No. 729-A, R-E Colony, Gangapur City and presently working as Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway Gangapur, Kota Division, Kota.

....Applicant

Shri C.B. Sharma, counsel for applicant (through
Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.

3. Shri Siya Ram Meena, Assistant Loco Pilot, C/o CT CC, Gangapur City, West Central Railway, Kota Division.

....Respondents

Shri P.K. Sharma, counsel for respondent Nos. 1 & 2 (through Video Conferencing).
Shri Anupam Agarwal, counsel for respondent No. 3 (through Video Conferencing).

OA No. 291/45/2016

Kalla Ram Meena son of Shri Rewariya Meena, aged about 39 years, resident of Manswar-A, Jaipur Bye Pass Road, Gangapur City and presently working as Assistant Loco Pilot, Under Senior Section Engineer (TRO) /CT CC, West Central Railway, Gangapur, Kota Division, Kota.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Kalu Ram Meena, Assistant Loco Pilot, C/o CT CC, Gangapur City, West Central Railway, Kota Division

....Respondents

Shri P.K. Sharma, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

OA No. 291/46/2016

Rajesh Kumar Meena son of Shri Prakash Chand Meena, aged about 27 years, resident of Village & Post Sop, Tehsil Nadoti, District Karuali and presently

working as Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Gangapur, Kota Division, Kota.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Ram Babu Meena, Assistant Loco Pilot, C/o CT CC, Gangapur City, West Central Railway, Kota Division.

....Respondents

Shri P.K. Sharma, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

OA No. 291/47/2016

Mahendra Kumar Meena son of Shri Kirori Lal Meena, aged about 30 years, resident of Near Hindaun Phatak, Saloda Mode, Gangapur City and presently working as Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Gangapur, Kota Division, Kota.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.

2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Ghan Shyam Meena, Assistant Loco Pilot, C/o CT CC, Gangapur City, West Central Railway, Kota Division.

....Respondents

Shri P.K. Sharma, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

OA No. 291/49/2016

Lokesh Kumar Meena son of Shri Kedar Lal Meena, aged about 31 years resident of C/o Dr. Babu Lal Meena, Near Min Bhagwan Temple, Vasundhara Colony, Gangapur City and presently working as Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Gangapur, Kota Division, Kota.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Ram Avatar Saini, Assistant Loco Pilot, C/o CT CC, Gangapur City, West Central Railway, Kota Division.

....Respondents

Shri P.K. Sharma, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

OA No. 291/115/2016

Nand Lal Meena son of Shri Birdhi Lal Meena, aged about 38 years, resident of C/o Suresh Kumar Meena, Quarter No. 194, Gramin Police Line, Vorekheda, Kota and presently working as Senior Assistant Loco Pilot,

under Senior Section Engineer (TRO) / CT CC, West Central Railway, Kota Division, Kota.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Kartar Singh, Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Gangapur City, Gangapur.

....Respondents

Shri P.K. Sharma, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

OA No. 291/116/2016

Vimal Kumar Mahawar son of Shri Hukam Chand Mahawar, aged about 34 years, resident of Gali No. 10, House No. 359, Sarswati Colony, Bagana, Kota Junction, Kota and presently working as Senior Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Kota Division, Kota.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.

2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Kamal Kumar, Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.

....Respondents

Shri P.K. Sharma, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

Shri Anupam Agarwal, counsel for respondent No. 3 (through Video Conferencing).

OA No. 291/117/2016

Manoj Kumar Meena son of Shri Sohan Lal Meena, aged about 35 years, resident of House No. 12, Adarsh Nagar, Bapu Colony, Rangpur Road, Kota and presently working as Senior Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Kota Division, Kota.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Ravi Kumar, Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.

....Respondents

Shri P.K. Sharma, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

Shri Anupam Agarwal, counsel for respondent No. 3 (through Video Conferencing).

OA No. 291/118/2016

Om Prakash Meena son of Shri Sohan Lal Meena, aged about 40 years, resident of Prit Chaya Bhawan, House No. 12, Adarsh Nagar, Rangpur Road, Kota Junction, Kota and presently working as Senior Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Kota Division, Kota.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Bhim Shankar Meena, Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Gangapur City, Gangapur.

....Respondents

Shri P.K. Sharma, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

OA No. 291/119/2016

Kalu Ram Meena son of Shri Nami Lal Meena, aged about 36 years, resident of Quarter No. 737/B, Railway Colony, Gangapur City and presently working as Senior Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Kota Division, Gangapur City.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Rajesh Kumar Meena, Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Gangapur City.

....Respondents

Shri P.K. Sharma, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

OA No. 291/120/2016

Ram Singh Meena son of Shri Jamna Lal Meena, aged about 36 years, resident of 185, Dayal Nagar, Gangapur City and presently working as Senior Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Kota Division, Gangapur City.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Sahaj Ram Meena, Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.

....Respondents

Shri P.K. Sharma, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

Shri Anupam Agarwal, counsel for respondent No. 3 (through Video Conferencing).

OA No. 291/121/2016

Rajendra Prasad Meena son of Shri Laxman Lal Meena, aged about 27 years, resident of In-front of Saloda Power House, Hindaun Road, Gangapur City and presently working as Senior Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Kota Division, Gangapur City.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Ram Babu Meena, Assistant Loco Pilot, C/o CT CC, Gangapur City, West Central Railway, Kota Division.

....Respondents

Shri P.K. Sharma, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

OA No. 291/127/2016

Bablu Meena son of Shri Ram Karan Meena, aged about 32 years resident of C/o Jitendra Singh Choudhary, Mahukalan, Gangapur City and presently working as Senior Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Kota Division, Gangapur City.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Paras Ram Meena, Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Gangapur City.

....Respondents

Shri P.K. Sharma, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

OA No. 291/150/2016

Dinesh Kumar son of Shri Sughan Chand, aged about 42 years, resident of Plot No. 58, New Sabarmati Colony, Kota and presently working as Senior Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Kota Division, Kota.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Rajesh Suman, Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.

....Respondents

Shri Anupam Agarwal, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

Ms. Kavita Bhati, counsel for respondent No. 3 (through Video Conferencing).

OA No. 291/151/2016

Roshan Lal Dhuliya son of Shri Babu Lal Dhuliya, aged about 39 years, resident of Near Purana Chauhan Nursing Home, Indra Gandhi Nagar, DCM Kota and presently working as Senior Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Kota Division, Kota.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Kamal Nayan, Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.

....Respondents

Shri Anupam Agarwal, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

OA No. 291/152/2016

Jai Prakash son of Shri Banshi Lal, aged about 32 years, resident of House No. 65-C, Near Rathore Shiv Mandir, Chawani Ram Chandra, Kota and presently working as Senior Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Kota Division, Kota.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Bhagwati Prasad, Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.

....Respondents

Shri Anupam Agarwal, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

OA No. 291/153/2016

Lakhan Ram Meena son of Shri Lallu Ram Meena, aged about 35 years, resident of C/o Mukesh Meena, Saini Colony, Gangapur City and presently working as Senior Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Kota Division, Gangapur City.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Ghan Shyam Meena, Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Gangapur City.

....Respondents

Shri Anupam Agarwal, counsel for respondent Nos. 1 & 2 (through Video Conferencing).
None present for respondent No. 3.

OA No. 291/154/2016

Mukesh Kumar Meena son of Shri Kanhiya Lal Meena, aged about 28 years, resident of Plot No. 1011-B, New Railway Colony, Kota Junction, Kota and presently working as Senior Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway Kota Division, Kota.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Mahaveer Meena, Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Gangapur.

....Respondents

Shri Anupam Agarwal, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

OA No. 291/155/2016

Bhagirath Meena S/o Sh. Mathura Lal Meena aged about 33 years, R/o C/o Ram Raj Meena, Saini Colony, Gangapur City and presently posted as Senior Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Kota Division, Gangapur City.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Sh. Dinesh Kumar Jangir, Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.
4. Manoj Singh Hada S/o sh. Bhanwar Singh Hada, R/o 484, Near Jai Shiv Ashram, Ramchandra Pura Chawani, Kota, presently posted as Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.
5. Bhagwan Prasad S/o Sh. Moti Lal R/o Near Naveen Adarsh School, Ramchandra Pura Chawani, Kota, presently posted as Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.
6. Lokesh Kumar S/o Sh. Mangi Lal R/o Near Dev Narayan Mandir, Kihorepura, Kota, presently posted as Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.
7. Rajendra Kumar Prajapat S/o Sh. Munna Lal Prajapat, R/o 583-584, Near Tejaji Park, Keshavpura, Sector-4, Kota, presently posted as Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.
8. Uka Ram S/o Sh. Sarupaji R/o Qtr. No. 795 B, Railway New Colony, Kota, presently posted as Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.
9. Mahesh Kumar Sharma S/o Sh. Shiv Kumar Sharma, R/o 217, Matches Factory Road, Dadwara, Kota, presently posted as Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.
10. Manoj Kumar Saini S/o Sh. Bhambhu Ram Saini R/o RE/II/4D, Old Railway Colony, Kota, presently posted as Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.
11. Navin Kumar Chaurasiya S/o Sh. Prem Chand Chaurasiya R/o Qtr. No. 917 B, Railway Colony, Kota, presently posted as Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.
12. Dharmendra Khatri S/o Sh. Ghanshyam Das Khatri R/o 80 B, Suman Vihar III, Kunhadi, Kota, presently posted as Senior Assistant Loco Pilot,

C/o CT CC, West Central Railway, Kota Division, Kota.

13. Vikas Mehra S/o Sh. Ramesh Chand Mehra, R/o C/o Duby, Near Datar Manzeel, Rangpur Road, Kota, presently posted as Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.
14. Rajendra Singh S/o Sh. Kan Singh, R/o Friends Colony, Gali No. 5, Dadwara, Kota, presently posted as Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.
15. Ravindra Pal Verma S/o Sh. Mahabir Prasad R/o Gali No. 11, Nahar Ke Paar, Poonam Colony, Kota, presently posted as Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.
16. Anil Chouhan S/o Sh. Nathoo Ram R/o Flat No. 205, Surya Residency, Rangpur Road No. 3, Dadwada, Kota, presently posted as Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.
17. Sandeep Jangid S/o Sh. Jagdish Prasad R/o C/o Duby, Near Datar Manzeel, Rangpur Road, Kota, presently posted as Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.

....Respondents

Shri Anupam Agarwal, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

Ms. Kavita Bhati, counsel for respondent Nos. 3 to 17 (through Video Conferencing).

OA No. 291/156/2016

Damodar Prasad Meena son of Shri Batti Lal Meena, aged about 29 years, resident of 692-A, New Railway Colony, Kota Junction, Kota and presently working as Senior Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Kota Division, Kota.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Ravi Kumar, Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.

....Respondents

Shri Anupam Agarwal, counsel for respondent Nos. 1 to 3 (through Video Conferencing).

OA No. 291/157/2016

Ramesh Meena son of Shri Hanuman Prasad Meena, aged about 33 years, resident of Surya Nagar, Near Subhash School, Dhaknia Railway Station, Kota and presently working as Senior Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Kota Division, Kota.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Siya Ram Meena, Senior Assistant Loco Pilot, C/o CT CC, Gangapur City, West Central Railway, Kota Division, Gangapur City.

....Respondents

Shri Anupam Agarwal, counsel for respondent Nos. 1 to 3 (through Video Conferencing).

OA No. 291/158/2016

Deepak Sagar son of Shri Dashrath Sagar, aged about 35 years, resident of House No. 324, Shastri Nagar, Dada Bari, Kota and presently working as Senior Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Kota Division, Kota.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Manoj Kumar Saini, Senior Assistant Loco Pilot, C/o CT CC, Kota, West Central Railway, Kota Division, Kota.

....Respondents

Shri Anupam Agarwal, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

OA No. 291/200/2016

Dinesh Meena son of Shri Jai Ram Meena, aged about 33 years, resident of RE-III, 17-A, Old Railway Colony, Near Railway Hospital, Kota and presently working as Senior Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Kota Division, Kota.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Nitya Nand Kumar, Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Gangapur City, Gangapur.

....Respondents

Shri P.K. Sharma, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

OA No. 291/203/2016

Chandra Prakash son of Shri Sohan Lal, aged about 38 years, resident of Village Bhojpura, Post Kheda Rasulpur, Tehsil Ladpura, District Kota and presently working as Senior Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Kota Division, Kota.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Bhagwati Prasad, Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Kota.

....Respondents

Shri P.K. Sharma, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

OA No. 291/427/2017

Moti Lal Meena son of Shri Bajrang Lal Meena, aged about 33 years, resident of 411-B, New Railway Colony, Kota and presently working as Senior Assistant Loco Pilot, Under Senior Section Engineer (TRO) / CT CC, West Central Railway, Kota Division, Kota.

....Applicant

Shri C.B. Sharma, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Shri Ram Babu Meena, Senior Assistant Loco Pilot, C/o CT CC, West Central Railway, Kota Division, Gangapur City.

....Respondents

Shri Anupam Agarwal, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

ORDER

Per: Hina P. Shah, Judicial Member

With the consent of learned counsels for the parties
OA No. 291/230/2015 with MA No. 291/124/2015, OA
No. 291/44/2016, OA No. 291/45/2016, OA No.
291/46/2016, OA No. 291/47/2016, OA No.

OA No. 291/230/2015 with MA No. 291/124/2015, OA No. 291/44/2016, OA No. 291/45/2016, OA No. 291/46/2016, OA No. 291/47/2016, OA No. 291/49/2016, OA No. 291/115/2016, OA No. 291/116/2016, OA No. 291/117/2016, OA No. 291/118/2016, OA No. 291/119/2016, OA No. 291/120/2016, OA No. 291/121/2016, OA No. 291/127/2016, OA No. 291/150/2016, OA No. 291/151/2016, OA No. 291/152/2016, OA No. 291/153/2016, OA No. 291/154/2016, OA No. 291/155/2016, OA No. 291/156/2016, OA No. 291/157/2016, OA No. 291/158/2016, OA No. 291/200/2016, OA No. 291/203/2016 and OA No. 291/427/2017

291/49/2016, OA No. 291/115/2016, OA No. 291/116/2016, OA No. 291/117/2016, OA No. 291/118/2016, OA No. 291/119/2016, OA No. 291/120/2016, OA No. 291/121/2016, OA No. 291/127/2016, OA No. 291/150/2016, OA No. 291/151/2016, OA No. 291/152/2016, OA No. 291/153/2016, OA No. 291/154/2016, OA No. 291/155/2016, OA No. 291/156/2016, OA No. 291/157/2016, OA No. 291/158/2016, OA No. 291/200/2016, OA No. 291/203/2016 and OA No. 291/427/2017 are taken up together for disposal as common question of law and facts is involved in all these cases.

2. For the sake of convenience, the brief facts of OA No. 291/150/2016 (Dinesh Kumar vs. Union of India & Ors.) are taken up. The OA No. 291/150/2016 has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 for the following reliefs:-

“(i). That the entire record relating to the case be called for and after perusing the same respondents may be directed to allow grade pay Rs. 2400 w.e.f. 01/05/2010 or 24/05/2011 to the cadre of Senior Assistant Loco Pilot and further to assigned seniority as per date of appointment by modifying seniority list dated 14/07/2015 (Annexure-

A/1) to the extent of placing the name of applicant above the respondent No. 3 at appropriate place i.e. above S. No. 77 with all consequential benefits.

- (ii) That the respondents be further directed to extend similar benefits as allowed by this Hon'ble Tribunal in order dated 17/03/2015 (Annexure-A/2) upheld by Hon'ble High Court Bench Jaipur vide order dated 23/11/2015 (Annexure-A/3) and further implemented by the respondents vide order dated 24/12/2015 (Annexure-A/4) with all consequential benefits including arrears of pay & allowances etc., being similarly situated.
- (iii). Any other order, direction or relief may be passed in favour of the applicant, which may be deemed fit, just and proper under the facts and circumstances of the case.
- (iv). That the costs of this application may be awarded."

3. The brief facts of the case, as stated by the applicant, are that he was initially appointed as Assistant Loco Pilot (ALP) on 28.04.2005 in Jaipur Division, North Western Railway and his pay was fixed in the P.B-1 Rs. 5200-20200 plus Grade Pay Rs. 1900 on recommendations of 6th Pay Commission. On 30.04.2010, Railway Board issued order for restructuring of the cadre of Assistant Loco Pilots, which provides 80% as Senior Assistant Loco Pilots in the Grade Pay Rs. 2400 and 20% in the Grade Pay Rs. 1900 and the same is applicable to the sanctioned

cadre strength as on 01.05.2010. While working in Jaipur Division, the applicant made request for mutual transfer with one Shri Hemant Kumar Sharma working in West Central Railway at Kota and he was relieved from Jaipur Division and he reported at Kota on 24.05.2011 and was further posted at Kota vide order dated 30.04.2011. Thereafter, respondent No. 2 issued provisional seniority list on 08.12.2010 to the cadre of Senior Assistant Loco Pilot (SALP) and Assistant Loco Pilot (ALP) in which name of the applicant did not find place but name of Shri Hemant Kumar Sharma who was senior to the applicant was at Sl. No. 62 and private respondent No. 3 was at Sl. No. 134, but applicant was not shown in the said list as being appointee of 28.04.2005 and private respondent shown senior whereas he is appointee of 05.07.2005 and he is also allowed Grade Pay Rs. 2400.

4. The applicant states that in order dated 15.04.2011, name of the applicant does not find place whereas name of junior to the applicant is included. As per suitability list dated 15.04.2011 (Annexure A/8), respondent No. 2 allowed promotion in the grade of Rs. 2400 vide order dated 18.05.2011

(Annexure A/9) and name of Shri Hemant Kumar Sharma found place at Sl. No. 59 and private respondent No. 3 at Sl. No. 127. Again seniority list was issued by official respondents on 08.02.2012 to the cadre of ALP grade pay Rs. 1900 in which, name of the applicant was shown at Sl. No. 63 and name of private respondent was not shown. As applicant is appointee in Jaipur Division of 28.04.2005 and sought mutual transfer with Shri Hemant Kumar Sharma, who is appointee of 10.04.2000/16.01.2001 in Kota Division and that applicant is entitled for seniority from 28.04.2005 on joining in Kota Division on 24.05.2011, as per provisions of Para 310 of IREM and further for Grade Pay Rs.2400, whereas junior has been allowed higher grade pay as per orders of Railway Board and without any base not allowing the applicant higher grade pay though applicant is senior to respondent No. 3 is highly unfair.

5. The applicant further states that many officials in the same cadre who came to Kota Division were not allowed Grade Pay Rs. 2400 and were also not given correct seniority in Grade Pay Rs. 1900, therefore, many officials like Har Kesh Meena approached this

Tribunal by filing OA No. 463/2012 and during pendency of many such OAs filed by several candidates, applicant was allowed Grade Pay Rs. 2400 vide order dated 26.04.2012 and stood at Sl. No. 60 with immediate effect instead of 01.05.2010 or the date of joining in Kota Division i.e. 24.05.2011 in spite of the fact that juniors to the applicant were allowed higher Grade Pay w.e.f. 19.04.2012. It was further stated that the official respondents without considering provisions of para 310 of IREM, not allowed seniority to the cadre of ALP and further Grade Pay Rs. 2400. Accordingly, this Tribunal disposed of the OAs of such candidates vide order dated 17.03.2015 (Annexure A/2) with a direction to the respondents to assign seniority as per provisions of para 310 of IREM and grant Grade Pay Rs. 2400 from the date of joining at Kota Division, as juniors at Kota Division were given Grade Pay Rs. 2400 w.e.f 01.05.2010 and onwards.

6. The applicant further stated that after OAs being disposed of by this Tribunal vide its order dated 17.03.2015, the same were challenged before the Hon'ble High Court of Rajasthan, Jaipur Bench, Jaipur

by the Railways by way of filing D.B. Civil Writ Petitions and the said bunch of WPs were dismissed vide order dated 23.11.2015. The respondent-Railways, thereafter, issued seniority list to the cadre of SALP in Grade Pay Rs. 2400 in which name of the applicant finds place at Sl. No. 243 and name of respondent No. 3 at Sl. No. 77 who is junior to the applicant. It was further stated that official respondents allowed seniority to the applicant as per placement in Grade Pay Rs.2400 but was nowhere allowed seniority as per date of appointment above respondent No. 3. Thereafter, after dismissal of WPs by the Hon'ble High Court of Rajasthan, the official respondents vide order dated 24.12.2015 (Annexure A/4) allowed benefits to those officials who approached this Tribunal. As the present applicant is similarly situated and is seeking similar benefits, he is entitled for similar directions as granted to those who approached this Tribunal.

7. Pertaining to delay, it was pointed out that as similar controversy was pending since 2012 and was settled in 2015 after dismissal of WPs by the Hon'ble High Court of Rajasthan, Jaipur Bench and as official

respondents extended benefits to some extent by implementing orders of this Tribunal, therefore, he approached this Tribunal as he was deprived of the said benefits as the action of the official respondents is highly unjustified and liable to be quashed and set aside.

8. After issue of notices, official respondent Nos. 1 & 2 filed their reply raising preliminary objection firstly that applicant has challenged the seniority list dated 14.07.2015 without disclosing any objection / protest against the same. He has not exhausted departmental remedy available to him as in para 6 of the O.A., he has failed to disclose any efforts made by him in this regard. Therefore, on the said ground, O.A. deserves to be dismissed. Second objection raised is that he has impleaded only one affected party. As per the judgments of the Hon'ble Apex Court, he has to implead all the parties who are likely to be affected. Therefore, on the said ground, OA is not maintainable. Third objection raised pertains to limitation. The present O.A. fails on the ground of delay and laches as the cause of action arose when he was inducted in cadre at WCR, Kota on mutual exchange basis on

24.05.2011 and that his name was included in the seniority list dated 08.02.2012. Applicant has failed to protest at the relevant time and that he has never represented till date. Therefore, as per several judgments of the Hon'ble Apex Court, which has held that settled seniority cannot be unsettled after long lapse, therefore, present O.A. deserves to be dismissed being barred by limitation.

9. The official respondents further stated that, on facts, the applicant was initially appointed as Trackman in pay scale 2610-3540 at Bhilwara in Ajmer Division on 28.04.2005. Therefore, submission of applicant with regard to his appointment is factually incorrect as he had been appointed as ALP in Jaipur Division on 18.09.2009. Thus, he can have the benefits of seniority only with reference to the date of his initial appointment. It is only after his appointment in Jaipur Division, he has sought mutual transfer vis-a-vis Shri Hemant Kumar Sharma working in WCR at Kota. After approval, he joined Kota Division on 24.05.2011 and was posted vide order dated 30.05.2011. It was further stated that mere appointment prior to Shri Hemant Kumar Sharma is of

no relevance as he joined the seniority unit only on 24.05.2011 as he joined Kota Division on the said date while the seniority list was published on 08.12.2010. Thus, non-inclusion of his name in the said seniority list was just and legal and that applicant is unnecessarily trying to misguide this Tribunal. Admittedly, as the Railway Board orders dated 30.04.2010 became effective from 01.05.2010 and the applicant came to Kota Division only on 24.05.2011, therefore, his name cannot be included in the eligibility list dated 15.04.2011. Thus, the promotion of Shri Hemant Kumar Sharma vide order dated 18.05.2011 is just and proper. Pertaining to seniority list dated 08.02.2012 including name of applicant clearly shows that he was assigned correct seniority and, therefore, he did not protest nor challenged the same. Also that RBE No. 107/2007 clearly shows that it being not a mutual transfer between the same category of employees both the employees before being allowed mutual transfer were to be reverted to the post of ALP in the Grade Pay Rs. 1900 and pay scale Rs. 5200-20200. Thus, as per Para 310 of IREM, his seniority was to be considered on the basis of his date of appointment i.e.

18.09.2009 and that benefit cannot be asked by applicant contrary to the rules. Though the Hon'ble High Court of Rajasthan has dismissed the WPs filed by the respondent-Railways and the order of this Tribunal has been upheld, but a Review Petition has been filed by Shri Hemant Kumar Meena (RA No. 291/05/2016) before this Tribunal and that notices have been issued by the Tribunal and that C.P. is also pending consideration. As applicant was sleeping over his rights, he cannot ask for similar benefits at the belated stage as he cannot ask for unsettling the settled seniority. Therefore, the Original Application deserves to be dismissed.

10. We have heard the learned counsels for the parties at length through Video Conferencing and examined the pleadings minutely.

11. The applicant has reiterated the stand taken earlier and further added that as his case is identical to the one decided by this Tribunal, he is entitled for similar benefits given to those applicants who had approached the Tribunal in identical OAs. He further stated that he is not challenging the seniority list but

his only issue is pertaining to grant of Grade Pay Rs. 2400/-. He further added that as he is challenging Annexure A/1 dated 14.07.2015, which is within limitation.

12. The respondents besides reiterating their stand further added that the employees who got promotion by the order of this Bench of the Tribunal dated 17.03.2015 is against the rules of Railways. It was further stated that the query/objection raised by the Hon'ble Court was not discussed properly because as per the Notification of Railway Board RBE No.107/2007, it is to state that employee of SC category can take mutual transfer only with the employee of SC category, employee of ST category can take mutual transfer only with the employee of ST category, similarly employee of General category can take mutual transfer only with the employee of General category, therefore, according to rules issued by Railway Board, Shri Hari Kesh Meena as he belonged to ST category and Shri Anoop Kumar Vaish belonged to General category, their mutual transfer was not possible in Grade Pay Rs. 2400/-. This fact was not properly dealt in the earlier order passed by

the Tribunal on 17.03.2015. As applicant himself admitted that he was given correct seniority through provisional seniority list issued on 08.12.2010 for the cadre of ALP, therefore, action of the official respondents needs no interference as the same is as per the directions and guidelines of the Railway Board.

13. After going through the pleadings and hearing the parties, it is observed that the present cases filed by the applicants are identical and similar to the bunch of cases, [OA No. 463/2012 - Hari Kesh Meena vs. Union of India & Ors. - and 08 other connected OAs], which have been earlier decided by this Tribunal vide its order dated 17.03.2015. The controversy settles to rest after it has been upheld by the Hon'ble High Court of Rajasthan, Jaipur Bench vide its order dated 23.11.2015 in D.B. Civil Writ Petition No. 11653/2015 - Union of India & Others vs. Hari Kesh Meena & Ors. - and 08 other connected WPs. As seen, the Union of India through the General Manager had approached the Hon'ble High Court of Rajasthan challenging the order of this Tribunal dated 17.03.2015. The Hon'ble High Court of Rajasthan have also gone through the pleadings in detail and observed that they do not find

any manifest error being committed in the facts of that case brought to their notice which may call for their interference. Consequently, the bunch of said writ petitions were found being without any substance and the same were accordingly dismissed.

14. Now in the present OAs, the respondents raise a plea that this Tribunal has not taken cognizance of RBE No. 107/2007 as at para 13 of the order of this Tribunal dated 17.03.2015, it was observed by the Tribunal that *"Though, it is not clear from the pleadings as to why both i.e. the applicant (Hari Kesh Meena) as well as Shri Anoop Kumar Vaish were reverted from the grade pay of Rs. 2400 to 1900 before their mutual transfer."* The respondents state that though the said fact was not clearly brought before the Tribunal at that relevant time in the earlier round of litigation but now the respondents have clarified the issue so as the decision of the respondents was on the basis of RBE No. 107/2007 and in terms of Railway rules and guidelines, this Tribunal should consider the same and, therefore, the present OAs are not similar and similar reliefs cannot be granted to the applicants. They have also raised

one more issue that one Review Application has been filed being RA No. 291/05/2016, which is pending consideration and that C.P. has also been filed on the said issue, which have yet not been decided, therefore, the present OAs deserve to be dismissed.

15. We are not in agreement with the stand taken by the respondents in the present OAs as after the decision of this Tribunal, the respondents could have taken the same plea before the Hon'ble High Court of Rajasthan when they challenged the order passed by this Tribunal dated 17.03.2015 in the bunch of Writ Petitions filed by them. The Hon'ble High Court of Rajasthan, Jaipur Bench, at para No. 7 in its order dated 23.11.2015, has observed as under:

"After going through the interpretation which the Tribunal has given effect to in para 19 of the order impugned, we ourselves are convinced and satisfied about the interpretation of para 310, particularly in matters where employees are on mutual exchange."

16. Therefore, as seen from the pleadings after the said observations of the Hon'ble High Court of Rajasthan, the official respondents themselves being satisfied of the orders passed by the Hon'ble High Court of Rajasthan have passed orders dated

24.12.2015 implementing the orders of the Hon'ble High Court of Rajasthan and granted the said reliefs accordingly. Now the respondents cannot take 'U' turn and state that the orders of this Tribunal as well as orders of the Hon'ble High Court of Rajasthan were not proper. Also the contention of the respondents about pending RA / CP filed before this Tribunal cannot be a ground to reverse the decision of the Hon'ble High Court as it has upheld the order of this Tribunal dated 17.03.2015.

17. Thus, in view of our observations made above, as the present Original Applications are on the similar issues decided by this Tribunal earlier vide its order dated 17.03.2015 in OA No. 463/2012 - Hari Kesh Meena vs. Union of India & Ors. - and 08 other connected OAs and upheld by the Hon'ble High Court of Rajasthan, Jaipur Bench vide its order dated 23.11.2015 in D.B. Civil Writ Petition No. 11653/2015 - Union of India & Anr. vs. Hari Kesh Meena & Ors. - and 08 other connected WPs, the directions passed by this Tribunal are required to be complied with by the official respondents in the present Original

Applications also on the same basis as implemented by them in the earlier OAs.

18. With these observations and directions, all the present Original Applications are disposed of accordingly. No order as to costs.

19. Pertaining to M.A. No. 291/124/2015, in OA. No. 291/230/2015, for condonation of delay in filing the O.A., for the reasons stated therein, the said M.A. is allowed and delay is condoned accordingly.

(HINA P. SHAH)
JUDICIAL MEMBER

(DINESH SHARMA)
ADMINISTRATIVE MEMBER