

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**PATNA BENCH, PATNA**

OA/050/00451/2020 & MA 206/2020

Date of Order :08.12.2020

**C O R A M**

**HON'BLE MR. M.C.VERMA, ..... JUDICIAL MEMBER**  
**HON'BLE MR. SUNIL KUMAR SINHA, ADMINISTRATIVE MEMBER**



1. Chitersen Yadav, aged about 42 years, S/o Ram Prasad Yadav, resident of Village- Dikubalkand, P.O.-T-K-B-Dumaria, P.S.-Kumardungi, District-West Singhbhum.
2. Satyanarayan Kumar, aged about 27 years, S/o Birsa Nayak, resident of Village-Bilkuwadag, P.O.& P.S.-Karra, District-Khunti.
3. Ashok Mukhi, aged about 45 years, S/o Bholanath Mukhi, r/o Village-Railway Colony, Harijan Basti, P.O.& P.S.-Chakradharpur, District- West Singhbhum.
4. Amarjeet Kumar, aged about 33 years, S/o Ram Mandal, r/o Ramdiri, P.O.-Raghunitola, P.S.-Ismailpur, District-Bhagalpur.
5. Bijay Kumar Prajapati, aged about 36 years, S/o Bisheshwar Prajapati, r/o Village, P.O. & P.S.-Padma, District-Hazaribagh.
6. Kiran Kumar Honhaga, aged about 35 years, S/o Sagar Honhaga, r/o Village & P.O.-Purunia, P.S.-Mufassil Chaibasa, District-West Singhbhum.
7. Zaki Anwar, aged about 51 years, S/o Md. Mustafa, r/o Village, P.O. & P.S.-Jagannathpur, District-West Singhbhum.
8. Budhram Hessa, aged about 41 years, S/o Late Bikram Hessa, r/o Village-Aamjdra, P.O. & P.S.- Jagannathpur, District-West Singhbhum.
9. Naresh Korrah, aged about 49 years, S/o Jamdar Korrah, r/o Amdia (Serga Sai), P.O.& P.S.-Hatgamiri, District- West Singhbhum.
10. Balmiki Pradhan, aged about 49 years, S/o Bipin Bihari Pradhan, r/o Village-Pakam, P.O. & P.S.- Jaingarh, District-West Singhbhum.
11. Vijay Kumar, aged about 29 years, s/o Bhola Prasad Sah, r/o Village-Gudri Bazar, P.O. & P.S.- Nathnagar, District-Bhagalpur.
12. Pradeep Kumar, aged about 28 years, s/o Sudharshan Mehta, r/o Bishun Bigha, Kurhama, P.s.-Fesar, District-Aurangabad.
13. Pintu Kumar, aged about 37 years, s/o Naresh Prasad Yadav, r/o Alamchak, P.O.-Keur, P.S.-Hulasganj, District-Jehanabad.

..... Applicants.

- By Advocate : Shri Ranjit Kumar

-Versus-

1. The Union of India through the Ministry of Railways, South Eastern Railway, Kolkata.
2. Chairman, Railway Recruitment Cell, South Eastern Railway, Garden Reach, Kolkata.
3. Divisional Railway Manager, South Eastern Railway, Chakradhanpur.
4. The Senior Divisional Personnel Officer, South Eastern Railway, Chakradharpur.
5. Assistant Personnel Officer-III, South Eastern Railway, Chakradharpur.



..... Respondents.

By Advocate :- Shri Prabhat Kumar.

### **ORDER [ORAL]**

Per M.C.Verma, Member (Judl.)

1. Instant OA along with MA for joining together has been preferred by 13 applicants. The matter is at notice stage hearing.
2. The case of the applicants, as has been pleaded in the OA is that they are serving with the respondents on the post of Track Maintainer in Civil Engineering department. That vide letter No.SER/P-CKP/CMS/GeneralSelection/GoodsGuard/60%/ DPQ/ 2020, dated 23.07.2020 (Copy Annexure A/1 of the OA) respondents, invited application from suitable employee for selection to the post of Goods Guard in Pay Level 5 (GP 2800 in



6<sup>th</sup> CPC) against 60% quota in Operating Department, Chakradharpur Division. The grievance of the applicants is qu depriving of employee of Civil Engineering Department from eligibility criteria. Applicants have pleaded that vide said advertisement serving non ministerial Group 'C' employee of Operating and Commercial Department, having minimum three years of regular service working on Pay Level 2 (GP Rs. 900) are eligible but Group 'C' level employee of Civil Engineering Department have wrongly been deprived from appearing in the examination.

3. It has also been pleaded that Principal Bench of CAT in its order dated 28.02.2018, passed in OA 4682/2018 has directed the Railway to allow the applicants of that OA, who were working as Track Maintainer in Civil Engineering Department to participate in the examination of Goods Guard and Patna Bench of the CAT also in OA 610/2018 has directed the respondents Railway on similar lines. It has been contended that the acts of the respondents, depriving the opportunity to Track Maintainer to participate in the examination for Goods Guard is illegal. Applicants have also pleaded that they have filed joint representation before the respondents, copy of which is at Annexure A/4 but no decision has yet been taken.
- Prayer as has been made in this OA as under:-

*“(a) Direction upon the concerned respondents to treat the applicants who are Track Maintainer in Civil Engineering Department under South Eastern Railway at equal with the Group ‘C’ employees of the Operating and Commercial Department under South Eastern Railway and thereby allow the applicants for participating in the selection process to the post of Goods Guard against 60% Departmental Promotion Quota (DPQ) through departmental process from Group ‘C’ employee in pursuance of the advertisement issued vide letter No. SER/P-CKP/CMS/General Selection/Goods Guard/60%/DPQ/2020 dated 23.07.2020 and further prays for the stay of the operation of the letter No. SER/P-CKP/CMS/General Selection/Goods Guard/60%/DPQ/2020 dated 23.07.2020 during the pendency of the instant application.*



*(b) Cost of the application.*

*© Any other order(s)/direction(s) as this Hon’ble Tribunal considers fit and proper in the circumstances of the case.”*

4. Learned counsel for applicant presses the OA and submits that examination is scheduled for today, he fairly submits that applicants have not applied to participate in the examination pursuant to letter dated 23.07.2020 (Annexure A/1) and applicants wants that the OA may be disposed of with direction to the respondents to consider the case of Track Maintainer of Civil Engineering Department in the light of order passed by Hon’ble High Court of Jodhpur, Principal Bench and Patna Bench of CAT and to take decision regarding eligibility of Track Maintainer to appear in the examination to be taken in future. He reiterates that as conduct of present examination concerning letter dated 23.07.2020 (Annexure A/1) relates, applicant are not pressing for their participation. He fairly admits that in instant OA, virus of the advertisement

dated 23.07.2020 (Annexure A/1) also has not been challenged by the applicants so to avoid complications regarding their candidature, they are not pressing for the relief to appear in the present examination.

5. Learned counsel for respondents urged to pass appropriate order. He shows his inability to make any comment on the future examination.



6. Taking note of entirety, we think it would be appropriate to dispose of this OA at the notice stage hearing with direction to the respondents to take appropriate decisions on the representation of the applicants as earliest possible but at least before initiation of process for next examination of Goods Guard against 60% quota and decision so taken be communicated to the applicants. Ordered accordingly. The OA & MA both stand disposed of. No costs.

[ Sunil Kumar Sinha ]  
Member (A)

[ M.C. Verma ]  
Member (J)

Pkl/