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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA NOS. 29/90 & 358/90

DATE OF DECISION: 24.7.1990.

OA-29/90

SHRI RAM CHAND & OTHERS

APPLICANTS

VERSUS

UNION OF INDIA

RESPONDENTS

SHRI B.S. MAINEE

ADVOCATE FOR THE APPLICANTS

SHRI INDERJIT SHARMA

ADVOCATE FOR THE RESPONDENTS

OA-358/90

SHRI HUKUM SINGH & OTHERS

APPLICANTS

VERSUS

UNION OF INDIA

RESPONDENTS

SHRI B.S. MAINEE

ADVOCATE FOR THE APPLICANTS

MRS. SHASHI KIRAN

ADVOCATE FOR THE RESPONDENTS

CORAM:

THE HON'BLE MR. T.S. OBEROI, MEMBER(J)

THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A)

JUDGEMENT (ORAL)

Shri Ram Chand & 15 others in OA-29/90 and
in OA-358/90
Shri Hukum Singh and 6 others have submitted that they
were selected for the post of Switchman in the grade of
Rs.1200-2040 in the selection held on 7.2.1987 and 11.5.1987
on the basis of the written and viva voce examination. In
all, 105 candidates including applicants were declared
successful. They were sent to Zonal Training School,
Chandauli for P-1 course. The applicants were declared
qualified in the P-1 course. All the applicants qualified
in the P-1 course either in the first attempt or in the
second attempt. As a result of the process of selection

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and qualifying in the P-1 course the respondents promoted 53 candidates as Switchman. Thereafter fresh selections were held in 1988 and again in 1989 and certain appointments made to the post of Switchman on the basis of these examinations after the selected candidates qualified in P-1 course. The grievance of the applicants is that even though they had qualified in the selection and in the P-1 course, they were not appointed to the post of Switchman. They claim that they should have been appointed to the aforesaid post before fresh selections were held.

2. We have heard the Advocate for the applicants Shri B.S. Mainee and Advocates for the respondents, Shri Inderjit Sharma and Smt. Shashi Kiran. The learned counsel for the respondents submitted that subsequent to the appointment of 1987 batch some of the qualified candidates who had not been appointed as Switchman represented to the General Manager. Their representations were considered by the General Manager and he has since approved appointment of 12 of such representationists to the aforesaid post. The 12 candidates so approved for appointment include 4 applicants in OA-358/90 and five applicants in OA-29/90. Had the other applicants submitted their representations, their case would have also been cleared.

3. After carefully considering the matter and the rival contentions, we are of the view that applicants who had qualified in P-1 course after selection in 1987 should have been appointed as Switchman in the grade of Rs.1200-2040 from the date they qualified P-1 course, before holding fresh selections. There was no justifiable ground to restrict the appointment to only 53 of the qualified candidates. Accordingly, we order and direct that the applicants should be appointed from the date of their passing the P-1 course to the post of Switchman and they ~~may~~ be given notional fixation of pay from that date, or the date their juniors were

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appointed, whichever is earlier.

The QAs are disposed of with the above directions,
without any orders as to the costs.

(I.K. Rasgotra)
Member(A) 24/7/90

(T.S. Oberoi)
Member(J)

MP 613191

Filed.