

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1079/2004

New Delhi this the 29th day of April, 2004.

Hon'ble Sh. V.K. Majotra, Vice-Chairman(A)
Hon'ble Sh. Shanker Raju, Member(J)

Sh. Hari Chand Sharma,
S/o late Sh. Inder Singh,
R/o MCS 232-C, Adarsh Nagar,
Ballabgarh, Faridabad.

.... Applicant

(through Sh. H.P. Chakravorty, Advocate)

Versus

1. Union of India through
the Chairman Railway Board,
Principal Secretary,
Govt. of India,
Ministry of Railways,
Rail Bhawan,
New Delhi.
2. The General Manager,
Central Railway,
Mumbai CST.
3. The General Manager,
Northern Railway,
Baroda House,
New Delhi.

ORDER (ORAL)

Hon'ble Sh. Shanker Raju, Member(J)

For Group-D post applicant who had earlier been selected but has not been empanelled while his juniors have been empanelled. Respondents have refused to empanel him on the ground that after formation of new zones, the name of the applicant cannot be included in the Central Railway or Northern Railway. Referring to Railway Board's Notification dated 13.5.2003, learned counsel of the applicant drawn our

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attention to Clause-5(d) & (e) wherein the following provision has been made:-

"For the selections/LDCEs to be conducted by the parent Railway, all Group 'C' staff who had earlier held a lien on the parent Railway and who are presently working in the new zone (whether in the headquarters office or in the divisions workshops etc. transferred from the parent railway to the new zone), would also be eligible.

- (e) After formation of fresh panels for selection/LDCE the empanelled candidates may similarly be posted on either Railway depending upon the availability of vacancies, but they will have their seniority in Group 'B' on the parent Railway."

In the aforesaid back drop it is stated by the learned counsel of the applicant that the applicant is eligible to be empanelled even working in other zones of Central Railway.

An appeal dated 15.12.2003 is still pending with the respondents.

The present O.A. is disposed of at the admission stage with the direction to the respondents to dispose of the appeal of the applicant in the light of Clause-5(d) & (e) by a reasoned order within a period of 2 months from the date of receipt of a copy of this order.

S. Raju

(Shanker Raju)
Member(J)

V.K. Majotra

(V.K. Majotra)
Vice-Chairman(A)

29.4.04

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