

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

19

O.A. No. 2876/92 & O.A.No.2878 of 1992 Decided on: 3rd March 1998

Shiv Kumar & connected OA Applicant(s)
(By Advocate: Shri B.S.Mainee)

VERSUS

U.O.I. & Ors. Respondents

(By Advocate: Shri B.K.Aggarwal
with S.P.Bansal)

CORAM

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. To be referred to the Reporter or not? YES
2. Whether to be circulated to other Benches of the Tribunal? NO


(S.R. ADIGE)
VICE CHAIRMAN (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

New Delhi, dated the 3rd March 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE Mrs. LAKSHMI SWAMINATHAN, MEMBER (J)

O.A. No. 2876 of 1992

Shiv Kumar,
S/o Shri Ved Prakash,
R/o 199, D-1, Railway Colony,
Basant Lane, Paharganj,
New Delhi-110055.

... APPLICANT

VERSUS

1. Northern Railway through
the General Manager,
Baroda House,
New Delhi.
2. The Divl. Railway Manager,
Northern Railway,
D.R.M. Office,
New Delhi.
3. Asst. Personnel Officer
through Divl. Railway Manager,
D.R.M. Office,
New Delhi.

... RESPONDENTS

O.A. No. 2878 of 1992

Jai Bhagwan,
S/o Shri Ram Kumar,
R/o 2/51-B Prem Gali,
Babarpur, Shahdara,
DELHI-110032.

... APPLICANT

VERSUS

1. Northern Railway,
through its General Manager,
Baroda House,
New Delhi.
2. The Divl. Railway Manager,
Northern Railway,
New Delhi.
3. The Asst. Personnel Officer,
through DRM,
New Delhi.

... RESPONDENTS

Advocates: Shri B.S. Mainee for applicants
in both OAs
Shri S.P. Bansal proxy counsel for
Shri B.K. Aggarwa for respondents
in both OAs

J U D G M E N T

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

As these two O.As involve common
question of law and fact they are being
disposed of by this common order.

2. Applicants in both O.As impugn respondents' orders dated October, 1992 (Annexure G) posting them as A.C. Khallasis against existing vacancies and pray that they be posted as A.C. Fitters (Rs.950-1500) against existing vacancy of 25% service employee quota after they allowed to continue the remaining period of their training.

3. Admittedly both applicants joined as Casual labourer electrical wiremen on 20.8.83. The post of Electrical Fitter is filled 50% through direct recruitment, 25% by seniority; and 25% through written test and interview called the serving employee's quota. By letter dated 5.6.91 (Ann. A) respondents declared those persons who had attained temporary status in Grade Rs.750-940 and had completed three years continuous service as eligible to appear in the written test, other eligibility conditions remaining the same, and invited applications for the test. Admittedly both applicants applied and cleared the written test vide results declared by letter dated 18.3.92 (Annexure B). Thereupon after clearing the viva-voce test on 20.4.92, they were placed on the provisional panel for the post of A.C. Fitter vide letter dated 12.5.92 (Annexure C). Both applicants were also advised to proceed for one month's A.C. Fitters training vide letter dated 6.6.92 (Ann. D) and upon successful


completion of the same (vide certificates, photocopies of which are on record) were directed to undergo further 6 months training as A.C. Fitters vide letter dated 3.7.92 (Ann. F), but while in the course of their training, respondents issued impugned orders in October, 1992 cutting short their training and posting them as A.C. Khallasis.

4. We have heard applicants' counsel Shri Mainee and respondents' counsel Shri Bansal.

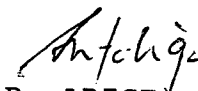
5. The only reason given by respondents to justify their action is that the applicants were wrongly placed in the panel due to wrong assignment of seniority. How applicants' seniority was wrongly assigned has not been explained. Respondents have not denied that applicants did appear before the Screening Committee in 1989 and ~~was~~^{were} placed in the panel. Respondents have also not denied that in terms of their own letter dated 5.6.91 applicants had acquired the necessary temporary status and had put in the required three years continuous service as on 31.3.91. Admittedly respondents allowed them to take the written test and interview in both of which they were successful and thereupon sent them on the one month training course which also they successfully completed, upon which they

were sent for the six months further training programme. Before abruptly recalling them from that training programme, respondents should atleast have given applicants an opportunity to show cause, but even that was not done.

6. In view of the above respondents' impugned orders cannot be sustained. The O.As succeed and are allowed. The impugned orders are quashed and set aside. Respondents should send applicants to complete the balance of the six months' training programme and in the event they successfully clear the same, they shall be deemed to have cleared it along with their colleagues who were sent vide letter dated 3.7.92 (Ann. F) with all consequential benefits including seniority, pay and allowances, and consideration for subsequent promotions. No costs.


(Mrs. LAKSHMI SWAMINATHAN)
Member (J)

/GK/


(S.R. ADIGE)
Vice Chairman (A)