

9

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH.

O.A. NO. 2322/93
New Delhi this the 10th day of October, 1994.

Shri N.V. Krishnan, Vice Chairman(A).

Smt. Lakshmi Swaminathan, Member(J).

1. Budh Ram
S/o Shri Jagan Lal,
R/o H.No. 221, Padam Nagar,
Kishan Ganj,
Delhi.
2. Raj Kumar
S/o Shri Nanga Ram,
R/o H.No. 221, Padam Nagar,
Kishanganj,
Delhi. ...Petitioners.

By Advocate Shri P.L. Mimroth.

Versus

1. Union of India through
The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, D.R.M's Office,
State Entry Road,
New Delhi.
3. The Divisional Electrical Engineer,
E.M.U. Car Shed, Northern Railway,
Ghaziabad (UP). ...Respondents.

By Advocate Shri Romesh Gautam.

ORDER (ORAL)

Shri N.V. Krishnan.

The two applicants have filed this O.A. for a direction to the respondents to appoint them as Electric Khalasis on the basis of the panel dated 21.9.1990. It is stated that the panel was prepared on 21.9.90 (Annexure A-2) which contained the names of 123 candidates. The names

of the applicants are at Serial No. 69 and 73. It is stated that one person, namely, Jagdish Prasad, who is at Serial No. 79 in the panel, has been appointed but the applicants have not been appointed.

2. In response to notice, the respondents have filed a reply in which it is contended that the applicants could not be given appointment because the panel had expired.

3. A similar matter has been disposed of by another O.A. No. 2317/93 B.K. Sharma Vs. Union of India and that this judgement has been followed in O.A. No. 1641/93, Radha Ballabh Vs. Union of India, in which the judgement was delivered on 5.8.1994 to which one of us (Hon'ble Shri N.V. Krishnan) was also a party. While disposing of O.A. No. 2317/93, the following directions have been issued:

"For these reasons, we allow this application with a direction to the respondents to consider the applicant for appointment to one of the 123 vacancies, referred to earlier, within a period of two months from the date of receipt of a copy of this judgement. We also issue a general direction to the respondents that they shall not proceed with the recruitment initiated by the Annexure A-4 letter dated 10.8.1993 to fill up the post of Khalasis in the grade Rs.750-940 (RPS) in EMU Car Shed, Ghaziabad until they first appoint the persons in the panel at Annexure A-2. We, however, make it clear that it is open to the respondents to initiate fresh recruitment to the vacancies over and above the 123 vacancies for which the panel at Annexure A-2 was prepared".

(11)

4. In other words, not only that direction was given in favour of the applicants therein but that direction was made applicable to all persons similarly situated. The applicants in the present O.A. are similarly situated and, therefore, they are entitled to the benefit of the above directions.

5. Accordingly, we dispose of this O.A. with a direction to the respondents to consider the applicants for appointment to two of the 123 vacancies referred to in that judgement within 2 months from the date of receipt of this order.

6. O.A. is disposed of as above. No costs.

Lakshmi Swaminathan
(SMT. LAKSHMI SWAMINATHAN)
MEMBER(J)

N.V. Krishnan
(N.V. KRISHNAN)
VICE CHAIRMAN(A)

'SRD'