

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 23 day of May 1996.

Original application No. 171 of 1996.

Hon'ble Dr. R.K. Saxena, JM
Hon'ble Mr. D.S. Baweja, AM

Alok Sharma, S/o Sri Jitendra
Datt Sharma, R/o 8/252 Shivpuri,
Kol, Aligarh.

..... Applicant.

Sri S.C. Verma

Versus

1. The Union of India, through
the General Manager, Northern
Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Moradabad.

..... Respondents.

O R D E R (ORAL)

Hon'ble Dr. R.K. Saxena, JM

This application has been moved by Alok Sharma seeking appointment under the respondents namely the Railway, under loyal quota. The facts as are disclosed in the O.A. are that the father of the applicant was serving in the year 1974 under the respondents. There had been agitation and ultimately a call for strike was given by the Union. The Union of India wanted that the employees of the Railway should not go on strike. The then Minister for Railway announced certain concessions to be given to

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those employees who did not strike the work. It is said that the concession included the job to the sons, daughters and the dependents of the loyal employees. Loyal in the sence ^{that} those who have worked during the period of strike.

2. It is contended on behalf of the applicant that he was minor in the year 1974 and got majority in the year 1992. He therefore wanted job under the respondents because his father was loyal to the Railway Administration. The representation was made to the respondents but with no result. Hence this O.A. has been filed seeking the relief that the respondents be directed to consider the representation and to give suitable employment in the Railway.

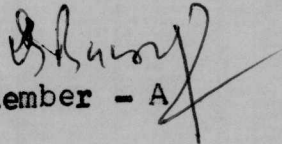
3. The matter is at the stage of admission. We have heard Sh. S.C. Verma learned counsel for the applicant.

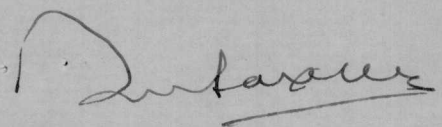
4. Certain cases of this nature were filed before this Bench and in some of them namely O.A. No. 236/93 Virendra Kumar Versus Union of India connected with 301/96 Jitendra Kumar Versus Union of India and further connected with O.A. No. 313/96 Mohmed Aslam Versus Union of India the judgement has been delivered today by this Bench. We have considered the Constitutional aspect of the problem. We are of the view that any appointment on the basis of loyalty does come within the category of descent which is a prohibited category under Articles 15 and 16 of the Constitution. Any appointment on the basis of prohibited categories or conditions shall be violative of the said provisions of the Constitution.

5. No doubt the learned counsel for the applicant pleaded that the direction be given to the respondents to

dispose of the representation which was made by the applicant. When we are of the view that even thinking of any employment on the basis of loyal quota is not possible under the Constitution, we are afraid that we cannot give any direction about the disposal of the representation as well.

6. In our opinion the O.A. is not maintainable and therefore it is dismissed.


Member - A


Member - J

Arvind.