

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 196 of 1996

Allahabad this the 02nd day of January 1997

Hon'ble Dr. R.K. Saxena, Member { J }  
Hon'ble Mr. D.S. Baweja, Member { A }

Hemant Kumar aged about 21 years S/o Shri Bala Prasad.,  
R/o 55 Binaripura, Prem Nagar, Jhansi.

Applicant

By Advocate Sri Rakesh Verma

Versus

1. Union of India through General Manager, Central Railway, Bombay V.T.
2. The Divisional Railway Manager, Central Railway, Jhansi.

Respondents.

By Advocate Sri G.P. Agrawal

ORDER ( Oral )

By Hon'ble Dr. R.K. Saxena, Member (J)

The applicant - Hemant Kumar has approached the Tribunal to seek the relief of his appointment under Loyal quota after quashing the order dated 06.9.95 whereby the respondent no.2 had rejected the request for the said purpose.

2. It is stated that the father of the applicant worked as Khallasi; and in the year 1974 when the Union of the railway employees had given call of general strike, the father of the applicant discharged his duties. It is further stated that the respondent no.1 had given an assurance to all the employees who had worked during the

strike period that certain benefits such as of extending the period of retirement, giving advance increments and preference to be given in the employment of their children, would be extended. The applicant accordingly claims appointment on a suitable post under the respondents. The representation was made by him to the respondent no.2 but the same was rejected. Hence, this O.A.

3. Sri G.P. Agrawal appears on behalf of the respondents and contested the case without filing any counter reply.

4. We have heard the learned counsel for the parties and have perused the record.

5. Such matters came up before the Tribunal in the past and appointment on the basis of Loyal Quota, was considered unconstitutional. It was further observed that on the basis of any assurance given either by the respondents or by any other authority, gives no legal right to the seekers of employment under Loyal Quota. The same situation is obtainable in this case. The applicant is not claiming employment on the basis of being successful in any competition but his claim is simply based on the Loyal Quota which we have already held to be unconstitutional. Therefore, the O.A. is not maintainable, it is accordingly dismissed. No order as to costs.

Member (A)

Member (J)