

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the day of 1996.

Hon'ble Dr. R.K. Saxena, Judicial Member
Hon'ble Mr. S. Dayal, Administrative Member.

Original Application no. 301 of 1996.

Sunil Yadav, S/o Lalji Ram., R/o Quarter No. 996, RB II,
Railway Colony, Rani Laxmi Bai Nagar, Jhansi.

.... Applicant.

Counsel for the Applicant Shri Rakesh Verma,

Versus

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

..... Respondents.

Counsel for the Respondents.

Original Application no. 312 of 1996.

Atar Singh, S/o Shri Ram Singh, R/o House no. 128, Nalganj,
Sipri Bazar, Jhansi.

..... Applicant.

C/A Shri Rakesh Verma.

Versus

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

..... Respondents.

C/R



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ORDER

Hon'ble Dr. R.K. Saxena, Member-J.

These applications have been filed under section 19 of the Administrative Tribunal Act, 1985, seeking the quashment of the order of rejection of representations, and directions to the respondents about their appointment on any suitable post, ~~was~~ against loyal quota. Both these cases are at the stage of admission. Since the common question of facts and law is involved in these cases, they are being ~~decided~~ by one judgement.

2. The facts of the case are that the fathers of the applicants ~~2~~ were working under respondents during the year 1970-1975 when there had been agitations in the Railways. The call for ~~strike~~ was given and the work ^{was} ~~struck~~ by the employees of the Railways. The then ~~Minister~~ ² for Railways made an appeal to the employees not to ~~strike~~ ^{strike} the work. He said to have announced certain benefits and concessions to such employees who did not go on strike and remained loyal to the Railway Administration. The Railway issued a circular dated 13.02.74 to all the General Managers ² and emphasise that the services of the loyal staff would not go unrecognised. It was further mentioned that the system of appointment on compassionate ground, to be extended in the cases of such employees who had rendered exemplary services in the above contexts (During the period of agitations and strike). 20% of vacancies in class three services in the initial grades were separated and those vacancies were required to be filled by General Managers through their

administrative arrangements. Similar provision was made to the sons, daughters and dependents of class four employees. This kind of ^{segregation} ~~segregation~~ of posts for the dependents of loyal employees of Railways, has been nicknamed as Loyal quota.

3. The contention of the applicants is that in the year 1974, they were minors and they got majority in the year 1993 (Sunil Yadav) and 1988 (Atar Singh). They made representations to the respondents but those representations were rejected on 06.09.95 and hence these OA's have been filed with the relief claimed above.

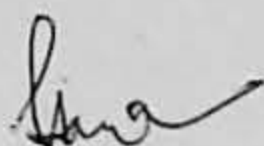
4. At the stage of admission, we put the question to the learned counsel for the applicant, whether any legal right was acquired by the applicants, and whether the OA's are maintainable. His argument² was ~~not~~ positive. We have examined this aspect at this stage.

5. Similar other matters were filed in this Bench and a bunch of three cases OA 236/96 Virendra Kumar Vs. Union of India and others, OA 310/96 Jitendra Kumar Vs. Union of India and others and 313/96 Mohd. Aslam Vs. Union of India and others was decided on 13.5.96² by the bench on which one of us was a member. The detailed decision considering the constitutionality of Loyal Quota, judgement was rendered. It was held that the creation of loyal quota was unconstitutional and thus the OA's were not maintainable.

6. It was also considered that even on the point of

limitation, the OA's were not maintainable because the cause of action by way of circular of the Railway Board had arisen in the year 1974 where as these OA's have been filed in the year 1996.

7. In view of the decision given in OA no. 236/96 Virendra Kumar Vs. Union of India and others, OA no. 310/96 Jitendra Kumar Vs. Union of India and others and OA no. 313/96 Mohd. Aslam Vs. Union of India and others, We hold that these OA's are not maintainable and are, therefore, dismissed. No order as to costs.



Member-A



Member-J

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