

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 10th day of August, 2001.

C O R A M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.  
Hon'ble Maj. Gen. K.K. Srivastava , A.M.

Original Application No. 47 of 1998

1. Sudhir Kumar Srivastava S/o Late Shiv Shankar Lal,  
R/o 51/40, Darbhanga Castle Compound,  
Lowther Road, Allahabad.
2. Ashok Kumar Sharma S/o Sri Rama Kant Sharma  
R/o Village and Post- Bigahia (Madho Nagar),  
Allahabad.
3. Ashutosh Saran Rai S/o Sri S.S. Rai  
R/o Dhobi Tola, Tehsil Road, Sonbhadra.
4. Vijay Kumar Singh S/o Sri Balta Prasad Singh  
R/o Village- Dangahariya, Post- Mirza Murad,  
Distt. Varanasi (B.C.).

.....Applicants

Counsel for the applicants :- Sri Ramesh Chandra Sinha

V E R S U S

1. Union of India through the General Manager,  
Northern Railway, Head Quarter, Baroda House,  
New Delhi.
2. Additional Chief Works Manager, Northern Railway,  
Loco Workshop, Charbagh, Lucknow.
3. Chairman, Railway Recruitment Board, Allahabad.

.....Respondents

Counsel for the respondents :- Sri A.K. Gaur





O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this application under section 19 of the Administrative Tribunals Act, 1985, applicants have prayed for direction to respondent No.4 to consider the claim of the applicants for appointment as Junior Engineer in view of the judgement of Hon'ble Supreme Court as well as Hon'ble High Court of Judicature at Allahabad.

2. The basis of aforesaid claim is that applicants worked as apprentice under the Northern Railway, Lucknow. Sri A.K. Gaur, learned counsel for the respondents has placed before us a copy of judgement dt. 02.03.2001 passed by this Tribunal in O.A 1341/96 <sup>deciding the O.A.s</sup> alongwith several other cases. The Division Bench of this Tribunal has dismissed the O.As. Para 11 and 12 of the judgement are relevant which are being reproduced below :-

" Learned counsel appearing for the respondents have argued that following the judgement of Supreme Court in U.P.S.R.T.C case (Supra) the matter has been considered by the Railway Board who have come out with a circular letter dated 26.08.1996 on the subject of recruitment of course completed 'Act Apprentices' in the Railways. Last paragraph of the aforesaid letter is relevant for our purpose and the same is produced as under :-

" In other words, while there will be no change in the procedure of recruitment and the selection for recruitment will be in accordance with the merits of the eligible candidate, where other things are equal between two candidates, the candidate who is course completed 'Act Apprentice' trained in Railway Establishment will be given preference over the candidate who is not such an apprentice."

According to the learned counsel, Railway Board have the powers under Rule 157 of Railway Code

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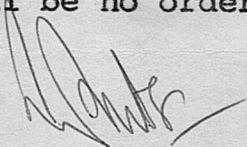


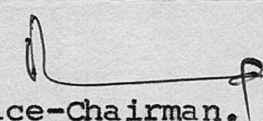
to lay down statutory rules regarding Group 'C' and Group 'D' services in the Indian Railways. Thus the aforesaid circular letter will have the force of the statutory rule. The circular in question is also does not provide for any exemption from the written test and, therefore, no such exemption can be given to the applicants in the O.As under consideration. The proper course for the applicants, according to the learned counsel, will be to challenge the validity of the aforesaid circular letter. It is only then that the question of granting exemption from the written test can possibly arise but, that would depend upon the verdict of the Apex Court.

In the circumstances brought out in the preceding paragraphs, we are inclined to hold that all the O.As are devoid of merit and deserve to be dismissed. The O.As are dismissed without any order as to cost. "

3. We are in respectfull ~~with~~ <sup>with</sup> agreement ~~of~~ the aforesaid judgement and this O.A is also dismissed on the same terms and conditions.

4. There will be no order as to costs.

  
Member- A.

  
Vice-Chairman.

/Anand/