

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD

(This the 18th Day of August, 2021)

Hon'ble Mr. Tarun Shridhar, Member (A)
Hon'ble Ms. Pratima K Gupta, Member (J)

Execution Application No.330/01390/2021
(Arising out of Original Application No.330/857/2018)

Jivan Lal aged about 51 years S/o Late Jwala Prasad R/o Village Gadaiya Kala, Post – Jari Bazar, District – Prayagraj.

..... **Applicant**

By Advocate: **Shri M.K. Dhurbvanshi**

Versus

1. Union of India through General Manager, North Central Railway, Headquarter Office, Subedarganj, Allahabad.
2. General Manager, North Central Railway, H.Q. Office, Subedarganj, Allahabad.
3. Divisional Railway Manager, North Central Railway, DRM's Office, Allahabad.
4. Chief Personnel Officer, North Central Railway, H.Q. Office, Subedarganj, Allahabad.
5. The Secretary (Estt.) (Reservation), Ministry of Railways, Railway Board, Rail Bhawan, New Delhi.
6. Member Staff/Railway Board, Ministry of Railways, Railway Board, Rail Bhawan, New Delhi.

..... **Respondents**

By Advocate: **Shri Shesh Mani Mishra**

O R D E R

Delivered by Hon'ble Mr. Tarun Shridhar, Member (A)

Shri M.K. Dhurbvanshi, learned counsel for the applicant and Shri Shesh Mani Mishra, learned counsel for the respondents are present.

2. The present Execution Application has been filed by the applicant for implementation of order dated 03.03.2021 passed by this Tribunal in OA No.857 of 2018. For the sake of clarity, the operative part of the said order is reproduced below:-

“8. Since the matters are strikingly similar, the OA is disposed of accordingly with the above direction contained in Para 6 above i.e. to consider the claim of the applicant for appointment against backlog vacancies of Group ‘D’ as per the observations made in this order and pass appropriate orders within a period of eight weeks from the date of receipt of this order. The delay in filing this OA is condoned and the Misc. Application No.330/1810/2018,330/1190/2020 and Misc. Application No.330/1191/2020 stand disposed of. No order as to costs.”

3. Learned counsel for the applicant submits that while passing an order on the claim of the applicant, the respondents have violated the spirit of that order and have not given due credit to the observation and direction of this Tribunal that the claim for appointment of the applicant be considered against the backlog of vacancies.

4. Learned counsel for the respondents contests this argument pointing out that the order by which representation and claim of the applicant has been disposed of is a reasoned and speaking order and it details the fact and circumstances with respect to the vacancies available and also refers to the observation of Hon’ble High Court of Allahabad in a similar matter.

5. We have heard the arguments of learned counsel for the parties and also carefully examined the documents on record. We find that the direction of this Tribunal in the OA was limited to condoning the delay

in deciding the matter on merits and accordingly a direction was given to the respondents that despite a lapse of sufficient time, the claim of the applicant be decided on the basis of merits and taking into consideration the backlog of vacancies.

6. We find that these issues have been addressed by the respondents in the order by which the claim of the applicant has been disposed off. We appreciate that the applicant nourishes some dissatisfaction with the order as his claim has been rejected. However, it does not warrant an execution application as the order of this Tribunal has been implemented in terms of the direction passed. The proper remedy before the applicant would be to assail this order, if he so desires, in a fresh OA.

7. Accordingly, nothing survives in the present Execution Application and it stands disposed off. All the pending MAs also stand disposed off.

Hon'ble Ms. Pratima K. Gupta, Member (J) has given her consent to the order during virtual hearing.

(Ms Pratima K Gupta)
Member-J

(Tarun Shridhar)
Member-A

Sushil