

**Central Administrative Tribunal
Principal Bench, New Delhi**

**O.A. No. 712 of 2021
M.A. No. 941 of 2021
M.A. No. 940 of 2021**

This the 31st day of March, 2021

(Through Video Conferencing)

**Hon'ble Mr. R.N. Singh, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Dinesh Chander Meena,
S/o Sh. Phalli Ram M,
Sr. T.E.SNP, aged 33 years,
Dhyawana ki Dhani, Kaloowas,
Distt, Dausa,

Rajasthan-303505.
2. Lalji Meena,
S/o Sh. Sultan Meena,
Sr. T.E., NDLS, aged 41 years
V&PO, Pai, Bhopur Tappa,
Daisa, Rajasthan-321608.
3. Kuldeep Raj,
S/o Sh. Surender Kumar
Sr. T.E.SZM, aged 33 years,
V&PO, Pai (20-R) Sonipat,
Pehlad PUr Kirorli,
Haryana-131402.
4. Sarjan Kumar,
S/o Sh. Upender Pd. Yadav,
Sr. T.E.PNP, aged 41 years,
Goraiya Bathan, Jamal Pur,
Gogri, Bihar-851203.



5. Bal Ram Sharma,
S/o Sh. Hem Raj,
Sr. T.E.NDLS, aged 30 years,
Kh. No.41/8, Block-J,
Swaroop Nagar, Badli,
Delhi-110042.
6. Vineet Kumar,
S/o Sh. Shamsheer,
Sr. T.E.NDLS, aged 30 years,
V&PO, Raj Pura,
Sherpur, Guargon,
Haryana-122502.
7. Pankaj Singh Bisht,
S/o Sh. .Dharam Singh,
Sr. T.E.NDLS, aged 36 years,
H. No. 217, Gali No. 10,
Inder Prasth Colony,
Burari, Delhi – 110084.
8. Ravinder Kumar,
S/o Sh. Omprakash,
Sr. T.E., ANVT, aged 33 years,
V&PO. Nangal Kalia,
Distt. M. Garh,
Haryana-123023.
9. Raja Sharma,
S/o Sh. Arjun Sharma,
Sr. T.E., KKDE, aged 37 years,
Dhangrsi, Shimla Nagar,
Sahebganj,
Jharkhand-816109.
10. Raghuveer Singh,
S/o Sh. Prem Singh,
Sr. T.E., ANVT, aged 35 years,
29, Panchali Pauri,
Garhwal, U.Khand-246175.
11. Sanjive Kumar,
S/o Sh. Omprakash,
Sr. T.E.DSA, aged 33 years,
New Baba Colony, Soni Pat, Haryana-131001.



12. Sudarshan
S/o Jagat Singh
Sr. T.E., Palwal, aged 34 years,
Near Chopal, Chharra,
Jhajjar, Haryana-124504.
13. Vinod Kumar Bairwa,
S/o Sh. Ghasi Ram Bairwa,
Sr. T.E., PNP, aged 33 years,
V&PO. Todathekla, Distt. Dosa-
Rajasthan-303504
14. Pawan Kotnala,
S/o Sh Ashok Kotnala,
Sr. T. E., SZM, aged 33 years,
T-6B, Railway Colony, Modi Puram,
Meerut. U.P.-251309.
15. Arun Kumar,
S/o Sh. Sarnaryan,
Sr. T.E., MTC, aged 38 years,
788, Parnala Bahadur Garh,
Jhajjar, Haryana-124507.
16. Shrad Thakur,
S/o Sh. Ajay Kumar,
Sr. T.E., MTC, aged 30 years,
T-71B, Railway Colony,
Meerut Cantt., U.P.-250001.
17. Sanjay Singh,
S/o Sh. Harbeer Singh,
Sr. T.E., GZB, aged 37 years,
Etmad Nagar, Alipur, Meerut, U.P.-250221.
18. Rahul,
S/o Sh. Jaipal,
Sr. T.E., NDLS, aged 30 years,
Gali No. 2, Near Navyug School, R. K. Puram,
Katta; Road, Panipat,
Haryana-132103.
19. Devender Kumar,
S/o Sh. Bheekam Singh,
Sr. T.E., DSA, aged 34 years,
Bhati Pura, Meerut, U.P.-250001.



20. Sachin Kumar,
S/o Sh. Rajender Kumar,
Sr. T.E., KKDE aged 31 years,
330/4, Khakroban,
Budhana, Muzaffar Nagar,
U.P.-251309.

...Applicants

(By Advocate: B.C. Nagar)

VERSUS

1. Union of India,
Through the General Manager,
N. Rly, HQ Office,
Baroda House, New Delhi.
2. D.R.M., Divisional Railway Manager Office,
State Entry Road,
New Delhi.
3. Sr. D.P.O., Divisional Railway Manager Office,
State Entry Road,
New Delhi.

...Respondents

(By Advocate: Mr. Krishan Kant Sharma and
Mr. Shailender Tiwari)

ORDER (Oral)

Hon'ble Mr. R.N. Singh, Member (J):

The applicants have filed the present OA praying therein
for the following relief(s):-

- “1. To quash the impugned orders issued vide letter
No. NR-DLIOPERS (P-2)/17/20215 DPO/A/DLI
/NR dated 02.02.2021.
2. To pend the combined seniority of Sr. CCTC issued
on 08.01.2021.
3. Cost of the present case may be awarded in favour
of the Applicant and against the respondents.



4. Any other relief which the Hon'ble Tribunal may deem fit, just and proper in the circumstances of the Case, may also be passed in the interest of justice."

2. Heard the learned counsels for the parties.

3. Learned counsel for the applicants submits that pursuant to the notice from the respondents to fill up the existing vacancies of year 2017 against the 16.2/3% LDCE Quota Commercial Department, Delhi Division, a written Examination was held followed by a DPC and the applicants also participated and they were placed on the provisional panel of Ticket Examiner vide letter dated 08.05.2018. The applicants were nominated to attend CP-1 Course, which is mandatory for promotion to be placed on provisional panel of TCR vide letter dated 28.08.2018 and they were promoted as Sr. Ticket Collector Examiner in Level-5 vide letter dated 14.09.2020.

4. He further adds that Ministry of Railway (Railway Board) issued a letter RBE No. 28/2018 dated 22.02.2018 for revision of the cadre structure and staffing pattern due to merger of three categories of posts in the Commercial Department i.e. Ticket Checking (TC), Commercial Clerk (CC) and Enquiry-cum-Reservation Clerks (ECRC) and it was decided to implement the merger into a unified category of Commercial and Ticketing staff in phased manner.

5. Vide order dated 02.02.2021 (Annexure-A-1), the representation dated 18.01.2021 of the applicants has been disposed of and the same reads as under:-



“reference to above it is intimated that Railway Board vide RBE No. 28/2018 & RBE No. 59/2019 dated 05.04.2019 have merged the cadres of Commercial Clerks, Reservation clerk and Ticket Checking Cadre w.e.f. 22.02.2018.

Railway Board has mentioned in clause (v1) of Annexure-A of RBE No. 59/2019 that merger in to common seniority and common functionalities will take place for future (Direct Recruitment).

Since promotion in any cadre is always subjected to successful completion of training of promotion would have been after 22.02.2018. Therefore you can not be treated as borned on cadre of said cut off date. However you can not part of seprate senmiority group of Ticket Checking cadre.

Therefore your placement in merged/common seniority is held valid.”

6. It is an admitted case of the applicants that the impugned action of the respondents is in furtherance of the policy decision of the Railway Board vide RBE No.28/2018 and RBE No. 59/2019 dated 05.04.2019. It is also an admitted case of the applicants that if the impugned action/order of the respondents is quashed the seniority of various persons will be adversely affected. However, the applicants have not chosen to challenge the aforesaid RBE numbers issued by the competent authority i.e. Ministry of Railway (Railway Board). The persons, who are likely to suffer in the matter of seniority if the impugned order is set aside, have not been impleaded in the present OA. It has



repeatedly been put to the learned counsel for applicants that once it is an admitted case of the applicants that the action and order of the respondents is only in furtherance of implementation of the aforesaid two policy decisions vide RBE numbers under reference, unless till the said policy decision is found to be arbitrary and illegal, there cannot be anything wrong in the action of the respondents. It has also been put to the learned counsels that if by the impugned action/order of the respondents or certain juniors have marched over the applicants in the matter of seniority, the present OA will not be maintainable in absence of any of them, even in representative capacity. However, learned counsel for applicants submits that the applicants are neither required to challenge the aforesaid RBE numbers nor to implead the necessary parties.

8. In the facts and circumstances, we do not find the OA to be maintainable in the present form and the same is accordingly dismissed.

9. Pending MAs also disposed of, accordingly. No costs.

(Mohd. Jamshed)
Member (A)

(R.N. Singh)
Member (J)

jugal/uma/shilpi/