CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 8th day of May 1996.

Hon'ble Mr. Justice B.C. Saksena, Vice-Chairman
Hon'ble Mr. S. Das Gupta, Administrative Member.

1. Original Application no. 260 of 1992.

Shiv Narayan Pateriya, S/o Shri R.R. Pateriya, R/o Gandhi Nagar, Nai Basti, near Ploice Chowki, Lalitpur.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay, VT.

ii. Chairman, Railway Service Commission (now known as Railway Recruitment Board), Bombay Central, Bombay.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents

Alongwith

2. Original Application no. 261 of 1992.

Ghanshyam Dass Chaurasiya, S/o Shri H. Chaurasiya, R/o 9, Ganesh Bazar, Jhansi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, BombayVT.

ii. Chairman, Railway Service Commission (Known as Railway Recruitment Board now), Bombay Central, Bombay.

... Respondents.

3. Original Application no. 262 of 1992.

Ramashanker Tripathi, S/o Sri H.L. Tripathi, R/o 4, Sujekhan Khirki, Jhansi.

... Applicant

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Service Commission (now known as Railway Recruitment Board), Bombay Cenatral, Bombay.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

4. Original Application no. 263 of 1992.

Ram Kumar Namdeo, S/o Sri Sitaram Namdeo, R/o 474 near Bihari ji ka Mandir, Babina Cantt, District Jahnsi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Service Commission (now known as Railway Recruitment Board), Bombay Central, Bombay.

... Respondents.

5. Original Application no. 264 of 1992.

Rakesh Kumar Srivastava, S/o Sri V.P. Srivastava, R/o Behind Normel School, Gooler Naka, Banda.

... Applicant.

Versus

i. Union of India, through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Service Commission (now known as Railway Recruitment Board), Bombay Central, Bombay VT.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

6. Original Application no. 265 of 1992.

Km. Alka Wakankar, D/o Shri V.G. Wakankar, R/o 49 Narsingh Rao Toriya, Jhansi.

-... Applicant

Versus

i. Union o India Throggh General Manager, Central

....3/-

Railway, Bombay VT.

ii. Chairman, Railway Service Commission (now known as Railway Recruitment Board), Bombay Central, Bombay.

... Respondents.

7. Original Application no. 266 of 1992.

Dilip Kumar Agarwal, S/o Shri N.C. Agarwal, R/o 45, Chatwiyana, Jhansi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Service Commission (now known as Railway Recruitment Board), Bombay Central, Bombay.

iii. Divisional Railway Manager, Central Railway Jhansi.

... Respondents.

O.A. 267 of 1992

8. Avdhesh Kumar Vaidh, S/o Shri U.S. Vaidh, R/o 131 Devri Mohalla, Ranipur, District, Jhansi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Service Commission (now known as Railway Recruitment Board), Bombay Central, Bombay.

... Respondents.

9. Original Applicationno. 268 of 1992.

Satya Prakash Dubey, S/o Sri B.P. Dubey, C/o Bundelkhand Medical Stores, Nariya Bazar, Jhansi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Service Commission (now known as Railway Recruitment Board), Bombay Central, Bombay.

Bcl 4/-

10. Original Application no. 269 of 1992

Sripal Singh, S/o Shri Rajjan Singh, R/o Post and Village Chirhul, Distt. Etawah (U.P.).

... Applicant.

Versus

i. Union of India through General Manager Central Raulway, Bombay VT.

ii. Chairman, Railway Service Commission (now known as Railway Recruitment Board), Bombay Central, Bombay.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents,

11. Original Application no. 270 of 1992,

Rajesh Kumar Srivastava, S/o Shri I.D. Srivastava, R/o 86 Chandra Shekhar Azad, Ganesh Bazar, Jhansi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Service Commission (now known as Railway Recruitment Board), Bombay Central, Bombay.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

12. Origingal Application no. 271 of 1992.

Prakash Lodhi, S/o Shri Brish Bhan Lodhi, R/o Gram and Post Bhamboisir, Tehsil Talbehat, Distt. Jhansi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman Railway Service Commission (now known as Railway Recruitment Board), Bombay Central, Bombay.

....5/-

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

13. Original Application no. 272 of 1992.

Jai Prakash Mishra, S/o Shri Madan Mohan Lal Mishra, R/o 81, Baragaon, Jhansi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Service Commission (now known as Railway Recruitment Board), Bombay Central, Bombay.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

14. Original Application no. 273 of 1992.

Sayyed Aizaj Mohammad, S/o Shri S.I. Mohammad, R/o 682/6, Tondon Compund, Civil Lines, Jhansi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Service Commission,(now known as Railway Recruitment Board), Bombay Central, Bombay.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

15. Original Application no. 274 of 1992.

Deepak Babu Rawat, S/o Shri R.N. Rawat, R/o 83 Chhatrasalpura, Lalitpur (U.P.).

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

Rel 6/-

ii. Chairman, Railway Service Commission (now known as Railway Recruitment Board), Bombay Central, Bombay.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

16. Original Application no. 276 of 1992.

Santosh Kumar Sharma, S/o Shri B. Sharma, R/o 155/20, Subhash Pura, Lalitpur (U.P.)

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Service Commission (now known as Railway Recuritment Board), Bombay Central, Bombay.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

17. Original Application no. 276 of 1992.

Mahesh Chandra Sharma, S/o Shri R.D. Sharma, R/o 241 Outside Datia Gate, Behind Home Guard Training Center, Jhansi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Recruitment Board (Priviously known as Railway Service Commission), Bombay Central, Bombay.

... Respondents.

18. Original Application no. 277 of 1992.

R.S. Updhayaya. S/o Sri H.S. Updhayaya, R/o Railway Qr. no. G-Block, Agra Cantt.

... Applicant.

Versus

i. Union of India through General Manager, Central

... .7/-

i. Railway , Bombay VT.

ii. Chairman Railway Service Commission (now known as Railway Recruitment Board), Bombay Central, Bombay.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

19. Original Application no. 278 of 1992.

Om Prakash Rai, S/o Shri P.P. Rai, R/o (C/O) Bhatriya Lodge, Manick Chowk, Jhansi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Service Commission (now known as Railway Recruitment Board), Bombay Central, Bombay.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

20. Original Application no. 279 of 1992.

Ajai Kumar Upadhayaya, S/o Sri B.L. Updhayaya, R/o 182/1 Barubhondela, Jhansi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman Railway Service Commission (now known as Railway Recruitment Board), Bombay Central Bombay.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

21. Original Application no. 280 of 1992.

Ram Swarup Ahirwar, S/o Shri Tamhe, R/o Gram Barai Post Lohaga Via Konch, Distt. Jhansi.

... Applicant

Versus

....8/-

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Service Commission (now known as Railway Recruitment Board), Bombay Central, Bombay.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

22. Original Application no. 281 of 1992.

Mahendra Kumar Tripathi, S/o Shri B.D. Tripathi, R/o 305/2, Jhokan Bagh, Jhansi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Service Commission (now known as Railway Recruitment Board), Bombay, Central Bombay.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

23. Original Application no. 424 of 1992.

Rajesh Chandra Tripathi, S/o Shri A.S. Tripathi, R/o Kaloo Kuwan, Tinwari Road, Banda.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Service Commission (now known as Railway Recuritment Board), Bombay Central, Bombay.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

24. Original Application no. 425 of 1992.

Rakesh Kumar Awasthi, S/o Shri L.S. Awasthi, R/o 76 Vasudeo, Bara Bazar, Jhansi.

... Applicant.

Bd 9/-

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Service Commission (now knonw as Railway Recruitment Board), Bombay Central, Bombay.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

25. Original Application no. 428 of 1992.

Jamaluddin Khan, S/o Shri N.U. Khan, R/o Deen Dayal Nagar C/o A.B.M. Building Material, Nandanpura, Sipri Bazar, Jhansi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Recruitment Board (Previously knonw as Railway Service Commission), Bombay Central, Bombay.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

26. Original Application no. 429 of 1992.

Vinod Kumar Awasthi, S/o Shri R.R. Awasthi, R/o Mohalla Hatwara, P.O. Talbehat, Distt. Lalitpur (U.P.).

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Service Commission (now known as Railway Recruitment Board), Bombay Central Bombay.

iii. Divisional Railway Manager, Central Railway, Jahnsi.

... Respondents.

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27. Original Application no. 916 of 1992

Madhukar Deo Pandey, S/o Shri R. Pandey, R/o Post Baldeo, Distt. Mathura (U.P.).

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Recruitment Board (Previously known as Railway Service Commission), Bombay Central, Bombay.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

28. Original Application no. 918 of 1992.

Rajendra Kumar Srivatava, S/o Shri V.S. Srivastava, R/o 554/7, Chitra Gupt Bhawan, Adarsh Nagar, Sipri Bazar, Jhansi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Recruitment Board, Bombay, Central (previously known as Railway Service Commission).

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

29. Original Application no. 920 of 1992.

Ram Gopal Rai, S/o Shri B.L. Rai, R/o 29 Ramlila Maidan, Babina, Distt. Jhansi.

... Applicant

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Recruitment Board (Previously known as Railway Service Commission), Bombay Central

... Applicant.

Bcl 11/-

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

29. Original Application no. 922 of 1992

Pankaj Kumar Gupta, S/o Shri S.B. Singhal, R/o Rly. Qr. No. MB 178-A, Station Road, Agra Cantt.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Recruitment Board (previously known as Railway Service Commission), Bombay Central.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

30. Original Application no. 923 of 1992

Pradeep Kumar, S/o Shri P. Narayan, R/o house no. 475 near Bihari Ji Ka Temple, Babina, Jhansi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Recruitment Board (previously known as Railway Service Commission), Bombay Central.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

31. Original Application no. 924 of 1992

Madhuwala Khare, W/o Shri R.K. Srivastava, R/o House no. 243/8, Nainagarh, Nagar, Jhansi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

Bcl 12/-

ii. Chairman, Railway Recruitment Board (Previously known as Railway Service Commission), Bombay Central.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

33. Original Application no. 1072 of 1992

Mohammad Israil, S/o Shri Mohd. Gani, R/o Ward No. 2, near Railway Station Harpalpur, Distt. Chhatarpur.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Recruitment Board (previously known as Railway Service Commission), Bombay Central.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

34. Original Application no. 1073 of 1992.

Jagdish Prasad Tewari, S/o Shri Baij Nath Tiwari, R/o Village Sunrahi, Post Tindwari, Distt. Banda.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Recruitment Board, (previously known as Railway Service Commission) Bombay Central

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

35. Original Application no. 1074 of 1992

Bhagwat Swarup Sharma, S/o Shri U.S. Sharma, R/o 72, Nand Dwar, Gokul, Mathura. (U.P.)

... Applicant.

Bcl....13/-

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Recruitment Board (previously known as Railway Service Commission), Bombay Central.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

36. Original Application no. 1075 of 1992.

Mohd. Aslam Khan, S/o Shri Mohd. Yusuf Khan, R/o 114, Mewatipura, Jhansi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. The Secretary, Railway Recruitment Board (previously known as Railway Service Commission), Bombay Central.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

37. Original Application no. 1076 of 1992.

Bharat Bhushan, S/o Shri Keshav Das, R/o Poonch, Moth, Distt. Jhansi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Recruitment Board (previously known as Railway Service Commission), Bombay Central.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

38. Original Application no. 1077 of 1992.

Ashok Kumar Verma, S/o Shri R.S. Verma, R/o 153, Purani Najhai, Jhansi.

... Applicant.

.....13/-

Versus

1. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Recruitment Board (previously known as Railway Service Commission), Bombay Central.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

Original Application no. 1078 of 1992

Shakil Ahmad Hasmi, S/o Shri W.A. Hasmi, R/o Devganpura, Post Panwari, Distt. Hamirpur. (U.P.).

... Applicant.

Versus

1. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Recruitment Board (previously known as Railway Service Commission), Bombay Central.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

Original Application no. 1081 of 1992.

Vijay Kumar Dwivedi, S/o Shri C.S. Dwivedi, R/o Village Takali (Hastam) P.O. Hastam, Via Khurhand Station, Distt. Banda.

... Applicant

Versus

1. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman Railway Recruitment Board (previously known as Railway Service Commission), Bombay Central.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

Original Application no. 1083 of 1992

Sanjay Kumar Srivastava, S/o Shri A.B.L.Srivastava, R/o 103, Kachahri Road Nagar, Jhansi.

... Applicant.

...15/-

Versus

i. Union of India through General Manager, Bombay VT.

ii. Chairman, Railway Recruitment Board (previously known as Railway Service Commission), Bombay Central.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

42. Original Application no. 1395 of 1992

Vinod Kumar R. Shrotiya, S/o Shri Raja Ram, R/o M. Lal Ganj Rampur, Jhansi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Service Commission(now known as Railway Recruitment Board), Bombay Central.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

43. Original Application no. 614 of 1993.

Ajit Kumar Srivastava. S/o Shri K.B.L. Srivastava, R/o 902 Kalyani, D Civil Lines, Unnao.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Recruitment Board, Bombay Central, Bombay.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

44. Original Application no. 1060 of 1993.

Anand Kumar Sharma, S/o Shri B.S. Sharma, R/o (C/o) Shri G.D. Mishra, Pratap Ganjpura, Jagdalpur, Distt. Bastra.

... Applicant.

Versus

i. Union of India through General Manager, Central

....16/-

Railway, Bombay VT.

ii. Chairman, Railway Recruitment Board, Bombay Central Bombay.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

45. Original Application no. 1465 of 1993

Sanjiv Kumar Tiwari, S/o Shri R.N. Tiwari, R/o Gandhi Nagar Konch, District Jalaun.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Recruitment Board, Bombay Central, Bombay.

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

46. Original Application no. 20 of 1994

Arvind Srivastava, S/o Awadh Behari Lal Srivastava, R/o 307, C.P. Mission Compund, Jhansi.

... Applicant.

Versus

i. Union of India through Secretary, Railway Board, Ministry of Railway, New Delhi.

ii. General Manager, Central Railway, Bombay VT.

iii. Chairman, Railway Recruitment Board, Bombay Central Bombay.

... Respondents.

47. Original Application no. 70 of 1994

Promod Srivastava, S/o Shri S.S. Srivastava, R/o 157, Chaturyana, Jhansi.

... Applicant.

Versus

i. Union of India through General Manager, Central Railway, Bombay VT.

ii. Chairman, Railway Recruitment Board, Bombay Central, Bombay.

.....17/-

iii. Divisional Railway Manager, Central Railway, Jhansi.

... Respondents.

48. Original Application no. 402 of 1994

Lala Ram, S/o Shri Kashi Ram, R/o 487/3, Near Junior High School, Nai Basti Jhansi.

... Applicant.

Versus

i. Union of India through Secretary Railway Board, Ministry of Railway, New Delhi.

ii. General Manager, Central Railway, Bombay VT.

iii. Chairman, Railway Recruitment Board, Bombay Central Bombay.

... Respondents.

49. Original Application no. 413 of 1994.

Mahendra Kumar Agnihotri, S/o Shri Bhogi Ram Agnihotri, R/o 422, Station Road, Lalitpur.

... Applicant.

Versus

i. Union of India through Secretory, Railway Board, Ministry of Railways, New Delhi.

ii. General Manager, Central Railway, Bombay VT,

iii. Chairman, Railway Recruitment Board, Bombay Central, Bombay.

... Respondents.

50. Original Application no. 488 of 1994.

Sunil Kumar Bhatnagar, S/o Shri K.B. Bhatnagar, R/o near R.E. Colony, Civil Lines, Lalitpur.

... Applicant

Counsel for the applicant Shri R.K. Nigam.

Versus

i. Union of India through Secretary, Railway Board, Ministry of Railways, New Delhi.

ii. General Manager, Central Railway, Bombay VT.

iii. Chairman, Railway Recruitment Board, Bombay Central, Bombay.

... Respondents.

Counsel for the Respondents Shri A.V. Srivastava.

.....18/-

5. Original Application no. 141 of 1988

Km. Indra Singh, D/o Late Shri Chandan Singh, R/o 536, Nanak Ganj, Sipri Bazar, Jhansi.

... Applicant.

Counsel for the applicant. ShriAlok Dava

Versus

i. The Union of India through the General Manager, Central Railway, Bombay VT.

ii. Railway Serivce Commission, Bombay.

... Respondents.

Counsel for the Respondents. Shri H.P. Chakorvorty
Shri V.K. Goel.

O R D E R (Reserved)

JUSTICE B.C. SAKSENA, V.C.

These 50 O.As involve almost identical questions of fact and law. They are, therefore being decided by a common order.

2. The brief facts are that in the Employment Notice No. 2/80/81 was issued by the Railway Recruitment Board Bombay. This Board was previously known as Railway Service Commission. In the said Employment Notice, various non-tchincal categories, amongst Rel category No. 25 had been indicated for the post of Probationary Asstt. Station Masters. The applicants state that they had applied in response of the said Employment Notice for the said post viz Category No. 25. They were called to appear at the written test held on 21.6.1981. They were also shown as successful at the written test and were called to appear at an interview held on 31.3.1982 at Bhopal or other centres. The applicants further case is that subsequently

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they were asked to attend the psychological test held in the office of the Respondent No.2 at Churchgate, Bombay on 12.5.82. The further case of the applicants is that thereafter a notice was displayed at the notice board of the Respondent No.2 indicating that some investigations are in process and after completion of the investigations the results will be declared and the appointment orders will be issued for which equal numbers of posts were being reserved. The applicants stated that he made representation on on 11.11.88 which got no response.

3. In the meantime it appears that some of the candidates filed OAs Under Section 19 of the A.T. Act before the Bombay Bench and the said O.As were decided by an order dated 14.2.91. The applicants have also made reference to decision by this Bench of the Tribunal viz;(i) O.A. No. 936 of 1987 Smt. Raj Kumari Sharma Vs. Union of India decided on 15.5.91 (ii) O.A. No. 318 of 1989 Rajesh Kumar Shivhare and Ors Vs. Union of India decided on 30.9.1991.

4. The applicants further case is that after the said judgments the applicants approached the office of the Respondent no.2 to bestow the same benefits arising out of the said judgments to the applicants but he was told that he should also bring such a direction from the Tribunal. The applicant further contend that no inquiry had been conducted in the matter and at any rate the applicants have not been allowed to participate in the process of inquiry. Their further case is that the entire examination has not been cancelled and the appointment orders have been issued and a

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circular has also been issued on the same subject on 5.1.90.

5. The Respondent no.2 has filed a written statment in almost all the O.As. Therein the plea of the O.As being barred by limitation as provided under Sectio 21 of the A.T.Act has been raised. It has been stated that as far as the applicants are concerned, the final selection of ~~this~~ Category No. 25 was finalised during December 1986 and the name of the applicants do not find place in the final panel issued, as they had not secured adequate marks to qualify. The O.As were filed in the year 1992. A further plea taken in the counter affidavit is that the cause of action on the basis of which the O.As are being filed cannot be said to have occurred within the territorial jurisdiction of this Tribunal. The Employment Notice was issued by the Respondent No.2, the office of which is at Bombay. The further plea taken is that the place of stay of the applicant would not determine the jurisdiction to file the O.A. It has also been pleaded that the orders issued by the CAT Bombay Bench or Allahabad Bench does not afford a fresh cause of action and the O.As are barred by time. It has been pleaded by the respondent no.2 that the said circular has no connection with the present petition. It was meant for fixation of seniority of selected candidates and since the petitioner was not qualified for final selection he has no claim for appointment. No rejoinder affidavit appears to have been filed in any of the O.As.

6. We have heard the learned counsel for the parties.

7. We may first ~~raise~~ decide the preliminary objections with regard to the maintainability of this O.A on the ground

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of want of territorial jurisdiction. Admittedly, the Employment Notice was issued by the Railway Recruitment Board, Bombay and the result was required to be declared by the Railway Recruitment Board, Bombay. The applicants have sought the relief of a writ of mandamus to be issued to the respondents to issue the appointment order in favour of the applicant within a time bound period in consonance with the judgment of this Tribunal in O.A. No. 318 of 1989 dated 30.9.1991. since the respondent no.2 is ~~the~~ located outside territorial jurisdiction of the Tribunal evidently such a direction cannot be issued to the respondent no.2. The provisions of Art. 226 (1A) of the Constitution of India will not goven the situation. The territorial jurisdiction of the Allahabad Bench of the Tribunal has been laid down, in Section 19(1) of A.T. Act provides that:

> " subject to the other provisions of this Act, a person aggrieved by any order pertaining to any matter within the jurisdiction of the Tribunal may make an application to the Tribunal for the redressal of his grievance."

Thus for the purposes of maintainability of the O.A. the sine quo non is that ~~the~~ it seek redressal against any order ~~for~~ pertaining to any matter within the jurisdiction of this Tribunal, evidently since the Railway Recruitment Board Bombay, respondent no.2 was competent to declare the result and it being ~~located~~ located outside the territorial jurisdiction of the Bench of ~~this~~ the Tribunal the applicants cannot seek redressal of ~~his~~ their grievance ~~which~~ viz of not being given any appointment order by respondent no.2. In exercise of powers conferred under Sub Sec. (1) of Section 18 A.T. Act the Central

Govt. has issued a notification laying down the jurisdiction of the various Benches of the Tribunal. In respect of the Allahabad Bench w.e.f. 1.11.85 the territorial jurisdiction was indicated in the notification dated 1.9.88 which was published in the Gazette of India Extraordinary dated 1.9.88 at Pg. 1 is " State of U.P.(excluding 12 districts mentioned under sl. no.4 under the jurisdiction of the Lucknow Bench w.e.f. 15.1.91). The final list has also been shown to have been published by the respondent no.2 at Bombay. Thus we are satisfied that for want of territorial jurisdiction this Bench of the Tribunal cannot take cognizance of these O.As.

8. We may now proceed to consider the plea of the O.A being barred by limitation which has been raised on behalf of the respondent no.2. The selection was made in 1982 and when certain discrepencies was found inquiries were held and on completition of the inquiry the final selection list was issued in December 1986. The O.As have been filed in 1990. Clearly the O.As are barred by limitation as provided under section 21 of the A.T. Act. The learned counsel for the applicant submitted that similar matters were taken up for consideration by the Bombay Bench of the Tribunal as also by this Bench of the Tribunal and the decision by this Bench of the Tribunal in the aforesaid OAs were rendered in September 1991 while the decision by the Bombay Bench of the Tribunal was rendered on 14.2.91.

9. It is fairly well settled that a decision of a court or Tribunal does not afford a fresh cause of action. The question of law which came to be decided could very well have been pleaded by the applicant within the period of limitation. Having failed to do so they cannot be permitted to plead that

...p23

the decision by the Tribunal in other case ~~does not~~ afforded a fresh cause of action. The case law on the question has been considered by the Madras Bench of the Tribunal in a case reported in 1994(28) ATC 810 A.I.P.E.U Class III Vs. Union of India and Ors. We are in respectful agreement with the view taken in the said decision. We, therefore hold that the O.As are barred by limitation.

10. We may now proceed to analyse certain decisions cited at the bar. The Bombay Bench of the Tribunal vide its judgment dated 14.2.91 had observed that most of the applicants were not declared selected because they have obtained less than 150 marks The Bench in its decision rendered on 14.2.91 was held that the cut off marks were arbitrary as it laid down certain qualifying marks in excess of 35% even though sufficient number of persons were not going to join the services and even those who had secured less than 150 marks had to be appointed to fill the available vacancies which were advertised./ Certain directions were given to the respondents (i) to identify the actual number of vacancies in the Employment Notice No. 2/81-82 and the vacancies in each category have to be further earmarked. This is for category no.25.

(ii) The respondents shall further find out as to how many candidates, who appeared in the said examination, have been selected finally and given appointments

Several other directions were also given which would not be relevant for our purposes. Except to note that in compliance with the directions given in the said order the High Power Committee gave its report. Thereafter a contempt petition was filed and in the contempt petition Bombay Bench passed an order dated 6.10.93 directing that all those applicants who have

...p24

secured 105 or more marks out of 300 shall be deemed to have been recommended for Category No.25 and the General Managers of the respective Railways shall take steps to consider whether these applicants can now be granted appointments in the vacancies which we have indicated , within two months from the date of receipt of the order."

11. The respondents thereafter filed civil appeals no. 1821-31/1994 and the Hon'ble Supreme Court vide its judgment delivered on 29.9.1994 set aside the order dated 6.10.93 passed by the Bombay Bench of the Tribunal. It did not find any arbitrariness in the cut off marks which were also adopted by the High Power Committee. Thereafter certain other petitions were filed before the Bombay Bench. The leading O.A is 280/91. The 14 O.As were decided by a common judgment dated 1.2.95 and they were dismissed on the ground of limitation as also on merits.

12. The learned counsel for the respondents has also placed for our consideration a decision rendered by the Jabalpur Bench in O.A. 405/88 decided on 6.2.95. The [redacted] Bench took the view that with the decisions in appeals by the Hon'ble Supreme Court through its judgment dated 29.9.94. The matter has come to an end and dismissed the OA holding that the applicant was not entitled to any relief.

13. These O.As have been to suffer the same fate. They are barred by limitation, not maintainable before this Bench and even on merits no case for interference is made out. All the O.As are therefore dismissed. No orders as to costs

VICE CHAIRMAN

Dated: 8.5.1996

Uv/