

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Allahabad : Dated this 6th day of July, 2000

Original Application No.1157 of 1994


District : Allahabad

CORAM :-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Hon'ble Mr. MP Singh, A.M.

1. Ashok Kumar Tiwari S/o H.N. Tiwari,
2. Shivbal Pandey, S/o Markandey Pandey.
3. Gulab Singh S/o B.P. Singh.
4. Markandey S/o Ram Chandra.
5. Jagdish Babu S/o B.L. Jaiswal.
6. Arvind Kumar Singh S/o T.P. Singh.
7. Asharfi Lal S/o Gaji Deen.
8. Suresh Chandra S/o Suraj Prasad.
9. Shakti Narain S/o Shashi Kant Tiwari,
All working at CIFO(LR) Allahabad)
- 10- Luxmi Nrai Tiwari S/o B.P. Tiwari, A/a 34 years.
- 11- Harkirath Singh S/o Hardeo Singh, A/a 29 yrs
- 12- Sushil Kumar Misra, S/o K.P. Misra, A/a 33 yrs
- 13- Pradip Chandra Srivasava S/o K.L. Srivastava
- 14- Om Prakash Singh S/o Ghanna Lal A/a
(All working at CIFO (LR) CNB)
- 15- Girish Chandra Tiwari S/o D.N. Tiwari, A/a 32 yrs.
- 16- Mahesh Kumar S/o Mool Chandra, A/a 31 yrs.
- 17- Sher Bahadur Yadav S/o J.N. Yadav, A/a 32 yrs..
- 18- Om Prakash S/o Daulat Ram A/a 32 yrs.
- 19- Lal Mani Singh S/o Jokhu Ram A/a 24 yrs.
- 20- Saudan Singh S/o Jwahaar Lal A/a 30 yrs.
- 21- Ram Kumar Goyal S/o R.E. Lal A/a 30 yrs.
(All working at IFA (IL))
- 22- Amrit Lal Dwivedi S/o S.N. Dwivedi, A/a 30 yrs.



- 23- Suni Kashyak S/o Lal Bahadur A/a 29 yrs.
- 24- Devendra Pratap Singh S/o Ram Singh A/a 29 yrs.
- 25- Gopal Ji S/o Bhala Nath A/a 35 yrs
- 26- Awid Ahmad S/o Maqbool Husain a/a 36 yrs.
(Working at CIFO) CR Allahabad)
- 27- Raj Karan S/o Munni Lal a/a 32 yrs.
- 28- Sanjay Kr. Srivastava, S/o P.P. Srivastava a/a 30 yrs.
- 29- Surendra Kr. Singh S/o R.N. Singh a/a 34
- 30- Irfan Ahmad S/o Late Rasool Ahmad a/a 32 yrs.
- 31- Dashrath Lal S/o Mata Saran a/a 30 yrs.
- 32- Ashok Dr. S/o Mewalal Jaiswal a/a 32 yrs.
- 33- Mohd. Rahis Khan S/o Mohd. Zahir Khan a/a 32
- 34- Lok Nath Singh S/o Ram Sanehi Singh a/a 33
- 35- Vinay Kumar Singh S/o Kedar Singh a/a 34 yrs.

(All working under IFR (R) CNB)

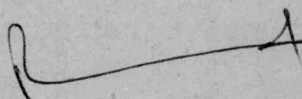
- 36- Lal Mani Yadav S/o Ram Khelawan Singh A/a 29 yrs.
- 37- Lakhpatti Singh S/o Matha Ram A/a 30
- 38- Kailash Nath S/o Gore Lal A/a 32
- 39- Bal Krishna Agarwal S/o Ram Das Agarwal A/a 29
- 40- Ravindra S/o Ram Nath A/a 35 yrs.
- 41- Ashok Kumar Gupta S/o Sri Ram Gupta A/a 32

(All working under IFR (L))

- 42- Surendra Singh S/o Jamuna Prasad A/a 34
- 43- Akhtar Parwez S/o Mahboob Akhtar A/a 32
- 44- Naushad Akhtar S/o Abdul Nasim A/a 31
- 45- Prahlad Kumar Gupta S/o Sri Dhaniram Gupta A/a 33
- 46- Anand Kumar S/o P.N. Dad A/a 26 yrs.
- 47- Shivji Misra S/o Akshaywar Misra A/a 28 yrs.
- 48- Daya Shanker S/o Mewalal A/a 20 yrs.
- 49- Amrit Lal Pal S/o Kallu Ram A/a 32 yrs.
- 50- Dinesh Kumar S/o Hari Mohan Lal A/a 29 yrs.

(All working under CNB)

- 51- Ram Bali S/o Lak Sukh Lal A/a 30 yrs.



- 52- Devendra Pratap Singh S/o Virendra Pal Singh A/o 28
- 53- Limesh Prasad S/o Baij Nath, A/a 34
- 54- Jai Prakash Sonkar S/o Cheedi Lal A/a 37
- 55- Niraj Kumar Sharma S/o Yogesh Dutt Sharma A/a 27
- 56- Kailash Nath Tiwari S/o B.P. Tiwari A/a 29

(All working under TL)

- 57- Aseph Said S/o Mohd. Said A/a 30 yrs.
- 58- Ravindra Kumar S/o Lankush Ram A/a 33 yrs.
- 59- Mukund Prasad S/o Raja Ram A/a 30 yrs.
- 60- Syed Badauddin S/o Zairuddin A/a 34 yrs.
- 61- Dhirendra Kr. Sharma S/o Hari Pd. Sharma A/a 31 yrs.
- 62- Arun Kumar Viliminson S/o D.D. Viliminson A/a 34

(Working under MGS)

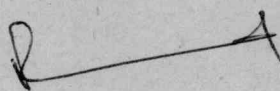
- 63- Shiv Kumar Mishra S/o Raja Ram Misra A/a 30 yrs.
- 64- Yogeshwar Prasad Singh S/o Ram T. Singh A/a 33
- 65- Shiv Kant Misra S/o Jai Narain Misra A/a 34 yrs.
- 66- Ashvini Tripathi S/o C.P. Tripathi
- 67- Ram Naresh S/o Ganga Prasad
- 68- Roshan Lal S/o Hari Lal

-----Applicants

(By Adv: Sri S. Agrawal, Sri K.K. Mishra)

Versus

- 1- Union Of India, through Secretary,
Ministry Of Railway, Rail Bhawan, New Delhi
- 2- General Manager, Northern Railway,
Baroda House,
Rail Bhawan
New Delhi.
- 3- Divisional Railway Manager
Northern Railway, Allahabad.
- 4- Senior Divl. Personnel Officer
Northern Railway, Allahabad.
- 5- Sr. D.E.E. (RSO), Northern Rly.
Allahabad.



6- Anup Singh, S/o Bankey Bihari Singh
Asstt. Driver (Electrical) CTFO (LR)
Kanpur.

-----Respondents

(By Adv: Sri V.K. Goel, & Sri Prashant Mathur)

O R D E R (Oral)

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

The dispute raised in this application is regarding promotion of Firemen Grade 'B' and Cleaners to the post of Firemen Grade 'A' or Diesel Assistant or Electrical Assistant. The contention raised on behalf of the applicants is that the promotion should be strictly from Firemen Grade 'B' and Cleaners and direct recruitment should be resorted to only when suitable hands are not available for promotion. Sri Sudhir Agrawal, counsel for the applicant had submitted that the applicants only pray that the Railway Board ^{beu} directed to make appointments by promotion only in accordance with the Circulars dated 16-7-1991, 15-10-1991 and 18-10-1993. A Division Bench of this Tribunal on 15-9-1995 after hearing both the sides passed a detailed order to the following effect:-

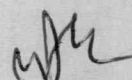
We have heard Sri Sudhir Agrawal for the applicant as well as Sri Prashant Mathur for the respondents on this application. The respondents have admitted that the existing procedure for filling up the post of Diesel Assistant / Electric Assistant mentioned in the Railway Board's letter dated 16-7-1991 under which 100% of the posts are to be filled by lateral induction from amongst first Firemen or by promotion of Cleaners or by lateral induction of Artisans. If all these means fail, then the respondents can go for direct recruitment. We have been told by Sri Rajeev Mehta, Senior Divisional Electrical Engineer, who was present in the Court and represented the department that all the applicants in this OA have already been allowed to appear in the departmental examination for promotion to the post of Diesel Assistant/Electrical Assistant and also other Cleaners who are not parties to this application have also been allowed to appear. We have also been told that there are no other Cleaners or Firemen 'A' available for filling the post of Diesel Assistant/Electrical Assistant and owing to this shortfall, they have gone ahead and issued this notification for direct recruitment. We have been assured that the statutory rules contained in Railway Board's letter dated 16-7-1991 regarding mode of filling the post of Diesel Assistant/Electrical Assistant, will be strictly complied with. The learned counsel for the applicant also submits that the prayer of the applicants in this Misc. Application also is that the Rules of Recruitment

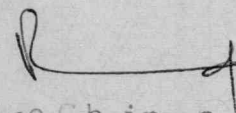
(5)

as stipulated in the letter dated 16-7-1991 be strictly followed. We, therefore, dispose of this Misc. Application with a direction that the respondents shall strictly follow the instructions contained in the said letter dated 16-7-91 for filling the posts of Diesel Assistant/Electrical Assistant. This also disposes of earlier Application No. 427 of 1995. List. this case. 10.24.11.

2. From perusal of the aforesaid order it appears that grievance of the applicants has been redressed in appropriate manner and no further order is required.

3. ~~Sri/has argued~~ ^{/Sudhir Agrawal, Prashant Mathur has submitted} that the appointments on the posts of Diesel Assistant/Firemen Grade 'A and Electrical Assistant shall be only in accordance with the Circulars mentioned above. In the circumstances, this application is disposed of finally in terms of the interim order dated 15-5-1995 as corrected on 17-10-1995. There shall be no order as to costs.


Member (A)


Vice Chairman

Dube/