

Open Court.

Central Administrative Tribunal, Addl. Bench,  
Allahabad.

...

Dated This the 8th, , January, 1997.

ORIGINAL APPLICATION NO: 962 Of 1995.

CORAM: Hon'ble Dr R.K. Saxena, JM.

Hon'ble Mr D.S. Baweja, AM.

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Radhey Shyam Sahani aged about 19 years,  
son of Sri Kalika Prasad, resident of  
Mohalla: Madhopur (near Badi Kali Mandir),  
Post office Gorakh Nath Temple,  
District: Gorakhpur. .. Petitioner.

( C/A. Sri Rakesh Verma. )

Versus:

1. Union of India through the  
General Manager, Northern ~~Railways~~ Eastern-  
Railway, Gorakhpur.

2. The Divisional Railway Manager,  
North Eastern Railway, Lucknow.

.. Respondents.

C/R: ....

ORDER (ORAL).

( By Hon'ble Dr. R. K. Saxena, JM. )

Applicant Sri Radhey Shyam Sahani, has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 with the relief that the respondents be directed to consider the case of the applicant for the appointment on any suitable post under the loyal quota and to give appointment.

2. The brief facts of the case are that the ~~father~~ of the applicant was serving under the respondents as Gangman. In May, 1974, the Railway Union had given a call to join the strike, but the father of the applicant did not join the said strike. Those employees who had not gone on strike, were given protection against any harm. Besides, assurance of extended period of retirement from six months to one year, advance increments, and preferential treatment to their children in the appointment in Railway, was given. The applicant after attaining majority, applied for appointment under the loyal quota but the same was rejected. Hence, this O.A. with the reliefs as already mentioned.

3. This O.A. came up for consideration before the bench on 26.9.95 and a direction was given to the respondents, without issuing any notice, to consider the case of the applicant. Subsequently, it came to the notice of the bench in a decision by the Hon'ble Supreme Court that the O.A., or a Petition cannot be disposed of exparte at the stage of admission without issuing any notice to the respondents. Keeping in view the said judgment, the bench which had given direction on 26.9.95, reviewed the order suo-moto <sup>-its</sup> on 6.12.1996. Thus, this case has come for disposal again.

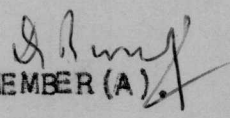


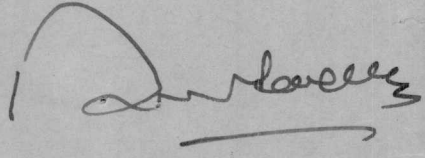
3.

4. Several such petitions were also filed in the past, and the view of this Bench had been that for seeking the appointment on loyal quota without undergoing any test was not only discriminatory but was unconstitutional as well. On these grounds, the O.A.s. in the past were dismissed. In this case too, the same situation is obtainable.

5. The applicant is claiming appointment without undergoing any test to the exclusion of several thousand persons who are also seeking jobs. In our opinion, the applicant does not have any legal right. The claim of the applicant for his appointment on the basis of loyal quota is unconstitutional as well.

6. In view of these facts and circumstances, the present O.A. is not maintainable and it is dismissed accordingly.

  
MEMBER (A).

  
MEMBER (J).

r.c.s.