

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

(1)

Original application No. 989 of 1995

Allahabad this the 31st day of March 1998

Hon'ble Mr. D.S. Baweja, Member (A)
Hon'ble Mr. J.P. Sharma, Member (J)

Anirudh Pratap Singh Rathore S/o Late Adya Prasad Singh, R/o 86 GH, Loco Colony, 10th Avenue, South Road, Allahabad.

Applicant

By Advocate Sri K.S. Rathor

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, D.R.M. Office, Allahabad.

Respondents.

By Advocate Sri Prashant Mathur.

Q U E R Y

By Hon'ble Mr. D.S. Baweja, Member (A)

This application has been filed with a prayer to direct the respondents to provide appointment to the applicant in railways under the loyal quota. The father of the applicant - Sri Adya Prasad retired from the railway service as Special Guard 'A' Electric Driver. There was a general strike in railway during the year 1974. The father of the applicant did not participate

in the strike and was on duty during the strike period. The applicant submits that the railway ministry ordered to give appointment to the wards of the loyal employees and several employments were given. However, the applicant was not born at that time and his date of birth being 25.7.1975. He became major in the 1993 and thereafter he made a representation in February, 1993 for ~~compass-~~ ^Q ~~ionate~~ appointment under the loyal quota scheme. He sent reminders thereafter but his case was not considered. He also sent a notice through an advocate on 20.12.1994. Being aggrieved by not getting the appointment, the present application has been filed on 05.9.95.

2. The applicant contends that the railway administration had given an assurance to the loyal employees who did not participate in the strike for appointment of their wards/dependents and inspite of this assurance, the respondents have not considered the case of the applicant. The action of the respondents is, therefore, discriminatory, arbitrary and illegal as such appointments under the loyal quota, have been given to the wards of the other railway employees.

3. The respondents have filed counter-reply. The respondents have contend that the application is highly time barred and deserves to be dismissed on this ground alone. As regards the merits, the respondents contend that the respondents have fixed cut off date as 30.4.76 for giving certain benefits to the loyal employees who had not participated in the strike. No

assurance had been given to the wards of the loyal employees after several years. The respondents contend that the applicant is not entitled for the appointment and rely upon the order of this Tribunal dated 16.4.96 in bunch of cases in which leading case is O.A. 183 of 1996.

4. The applicant has filed the rejoinder-affidavit controverting the contentions of the respondents and reiterating his grounds taken in the O.A.

5. We have heard Sri K.S. Rathore learned counsel for the applicant and Sri P. Mathur, learned counsel for the respondents.

6. It is noted that the applicant has not brought any instructions laid down by the Railway Board for providing appointment to the wards of the loyal employee who did not participate in the strike. The applicant has only pleaded that since he was minor at that time, he is entitled to claim the appointment under the loyal quota as have been given to several wards. The respondents on the other hand have contested this and submit that this scheme was valid upto 30.4.76 and no assurance was given for an appointment after several years. The respondents have relied upon the order of this Tribunal dated 16.4.96 where the same issue of appointment under the loyal quota has been gone into and a bunch of original applications have been dismissed. We have carefully gone through the order and note that the issue has been examined in detail with reference to the instructions laid down by the

Railway Board for giving appointment under the loyal quota and the various orders on the similar issue made by the other Benches. We are in respectful agreement with what is held in these orders and come to the conclusion that the claim of the applicant for appointment under the loyal quota scheme, is not sustainable.

7. In the light of the above, we do not find any merits in the G.A. and the same is dismissed accordingly. No order as to costs.

D. Bhattacharya
Member (J)

D. Ray
Member (A)

/M.M./