

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No. 254 of 1999
This the 6th day of April, 2005

HON'BLE MR V.K. MAJOTRA, VICE CHAIRMAN
HON'BLE MR. A.K. BHATNAGAR, MEMBER-J

1. Awadesh Kumar, S/o Sri Satya Sheel.
2. Om Prakash Shukla, S/o Sri M.P. Shukla.
3. Ram Dayal Misra, S/o Late I.D. Misra.
4. R. Ahmad, S/o Sri J. Ahmad.
5. V.N. Tripathi, S/o Sri H. Tripathi.
6. R.K. Singh, S/o Sri H. Tripathi.

.....Applicants.

By Advocate : S/Sri S.K. Misra & S.K. Dey
Versus.

1. Union of India through the General Manager, E. Railway, Calcutta.
2. The Senior Personnel Officer, E. Railway, Calcutta.
3. The Assistant Secretary, Railway Recruitment Board, Muzafferpur.
4. Sri Dharm Nath Verma, S/o Sri J.N. Prasad Verma, AOM, Dhanbad, E. Railway, Dhanbad.

.....Respondents.

By Advocate: Sri A.K. Gaur.

O R D E R

BY V.K. MAJOTRA, V.C.

The applicants six in number had applied for the post of NTPC categories (ASM etc) in pursuance of the Employment Notice no. 9 category no. 65 to 70 in Railway Recruitment Board, (in short RRB), Muzafferpur (Bihar). The written and viva voce tests are stated to have been conducted in which the applicants were selected and empanelled in the year 1981. It is alleged that the respondent no.4 Sri Dharam Nath Verma, who had appeared in the same selection, was appointed in the year 1982 and thereafter promoted to the post of AOM Group 'B' services in the grade of Rs.2375-3500 (RP). However, the applicants were appointed after a gap of

about nine years. In this connection, the learned counsel of the applicants has drawn our attention to Annexure-5 dated 17/18.1.1991 whereby one of the applicants namely Sri V.N. Tripathi (Applicant no.5) is stated to have been appointed. The learned counsel of the applicants stated that the applicants came to know about the appointment/promotion of the respondent no.4 on 12.5.1998 only where-upon the applicants made representation dated 2.6.1998 (Annexure A-6) to the General Manager, Eastern Railway, Calcutta, who was the then concerned authority for giving effect to the appointment of these personnel w.e.f. 1982 as in the case of the respondent no.4. The learned counsel of the applicants stated that unless this benefit is given to the applicants, they would suffer irreparable loss in the sense that they would not be able to complete the qualifying service of 30 years for pensionary benefits.

2. On the other hand, the learned counsel of the respondents took preliminary objection that the O.A. is barred by limitation. He further stated that there was no vacancy to absorb the applicants on North Eastern Railway as per instructions of the Railway Board, as such there is no question of causing any loss to the applicants. However, it is admitted by the respondents that they were victims of the circumstances as there was complaint against the panel and delay took place in the process of inquiry. It is further stated that two panels were formed by RRB, Muzafferpur. The first panel was totally exhausted without routing through Eastern Railway, Headquarters and the additional panel was formed by the RRB, Muzafferpur for which no indent was placed by the Railway Administration. Yet, as per the Railway Board's order, 278 candidates were adjusted in the Eastern Railway for offering appointment in the Railways. He further stated that the action, if any, in the matter could have been taken by the General Manager, Eastern Railway, Hazipur, who is not even impleaded as a party amongst the respondents here. To this, the learned counsel of the applicants stated that the

representation can be directed to be given to the General Manager, Eastern Railway, Hazipur.

3. We have considered the contentions raised on behalf of both sides and also perused the materials available on record.

4. We are satisfied that in the normal course, the applicants would not have come to know about the appointment of the respondent no.4 and as such it has to be accepted that the applicants came to learn about the appointment of the respondent no.4 in the year 1998, although the appointment was made in the year 1982. In this backdrop, the respondents' objection with regard to limitation cannot be accepted and is overruled .

5. The applicants had made a representation, in the circumstances at the appropriate time, which has remained un-acted on the part of the respondents as yet. The jurisdiction for disposal of the said representation has passed over to the General Manager, Eastern Railway, Hazipur. He could be called upon to consider and dispose of the same by passing a reasoned and speaking order within a period of three months from the date of receipt of copy of this order. Even though he has not been made a party herein, such directions can be made in view of the fact that the selection and cause of action had arisen several years ago and it would not be in the interest of justice to lose any more time for impleading an additional respondent.

6. Having regard to the discussions made and the reasons stated above, the O.A. is disposed of with a direction to the General Manager, Eastern Railway, Hazipur to consider and decide the applicants' representation dated 2.6.1998 (Annexure-6) and treating the present application as Supplementary representation by passing a detailed and reasoned order within a period of three months from the date of receipt of copy of this order, under intimation to the applicants. The

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detailed and reasoned order within a period of three months from the date of receipt of copy of this order, under intimation to the applicants. The copy of the O.A. be supplied to the General Manager, Eastern Railway, Hazipur alongwith copy of this order. No costs.

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MEMBER-J

VICE CHAIRMAN

GIRISH/-

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