

(1)

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.140/2000

THURSDAY, THIS THE 11TH DAY OF APRIL, 2002

HON'BLE Mr. S. DAYAL .. MEMBER (A)
HON'BLE Ms. MEERA CHHIBBER .. MEMBER (J)

Kamala Devi,
D/o late Ram Dulara,
R/o 520, Lalit Nagar,
Railway Colony,
Allahabad. ... Applicant

(By Advocate Shri R. P. Tiwari)

Versus

1. Union of India, through
its Secretary,
Ministry of Railway,
Rail Bhavan, New Delhi.
2. General Manager,
Northern Railway,
New Delhi.
3. Deputy Director (Establishment)(SCT),
Railway Board, New Delhi.
4. Divisional Railway Manager,
Northern Railway,
Allahabad.
5. Divisional Superintendent,
Northern Railway,
Allahabad. ... Respondents

(By Advocate Shri P. Mathur)

ORDER - (ORAL)

Hon'ble Mr. S. Dayal, Member (A):

This application has been filed for a direction to the respondents to issue letter of appointment to the applicant in pursuance of order dated 24.5.1976, issued by Respondent No.3.

N
...2..


2. The applicant has claimed that her father was serving in the Railways in the year 1974. Since he had rendered service during strike period, the Railway administration is said to have created a Loyal Quota for giving appointment to the dependents of such employees. The applicant's father requested the Railway administration to give appointment to his daughter. It is claimed that the Ministry of Railways had issued an order dated 24.5.1976 that the applicant should be offered apprenticeship along with four other persons who had also made the representation. The Divisional Railway Manager had also endorsed the direction of the Railway administration. It is claimed that the applicant belongs to Scheduled Caste category. It is also claimed that other four persons who were mentioned in the order of Railway administration had been given appointment.

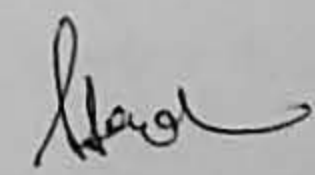
3. We have heard Shri P.K. Pathak, brief holder of Shri R.P. Tiwari for the applicant and Shri P. Mathur for the respondents.

4. The learned counsel for the respondents has placed before us a judgment by a Division Bench of this Tribunal in a bunch of O.As. in No.236/96, 310/96, and 313/1996, the leading case between Shri Virendra Kumar and Union of India, in which this Tribunal had held that the cause of action had arisen in 1974 and the remedy was sought in 1996 and had also held that no relief could be given on compassionate grounds as immediate hardship and distress caused to the family was a pre-condition to

the grant of relief. The Division Bench had relied on the case of JOGENDRA PAL SINGH AND OTHERS Vs. UNION OF INDIA AND OTHERS - AIR 1987 1015 in which the granting of preference in favour of sons and near relatives of persons serving in the Police service was found unconstitutional. It was also mentioned by the Division Bench that any provision either in any rule or circular or order or assurance, made, issued, passed or given which authorises appointment on forbidden ground of 'descent' is violative of Articles of 14 and 16(2) of the Constitution. Therefore, no legal right would accrue to the applicants. The claims in these bunch of O.As. of the applicants were dismissed as not maintainable.

5. Shri Rakesh Verma, who had represented the applicants in these bunch of O.As., has assisted us by stating that he had challenged the order of the Tribunal in these bunch of O.As. before the Apex Court and the order of the Tribunal is upheld. In view of the above, the applicant has no claim left for seeking appointment under the Loyal Quota. Therefore, the O.A. is dismissed as lacking in merits. No order as to costs.


MEMBER (J)


MEMBER (A)

psp.