

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 1231 OF 2003
ALLAHABAD THIS THE 21st DAY OF OCTOBER, 2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN
HON'BLE MR. D. R. TIWARI, MEMBER-A

1. Umesh Kumar Upadhyaya,
son of Prabhakar Upadhyaya,
Asstt. Station Master,
Lohta, Varanasi.
2. Alok Kumar Srivastava,
son of B.K. Srivastava,
Assistant Station Master,
Lohta, Varanasi.
3. R.C. Gupta,
son of Sri B.N. Prasad,
Assistant Station Master,
Varanasi.
4. Satish Chandra Vishwakarma,
son of Shiv Dutt,
Assistant Station Master,
Lohta, Varanasi.
5. A.K. Singh,
son of D.B. Singh,
Assistant Station Master,
Lohta, Varanasi.Applicants

(By Advocate Shri S.K. Lal, Sri S.C. Srivastava &
Shri R. Verma

Versus

1. Union of India,
through G.M. Northern Railway,
New Delhi.
2. Divisional Railway Manager (P),



Divisional Office,
Northern Railway,
Lucknow.

.....Respondents

(By Advocate Shri A.K. Gaur)

ORDER

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN

By this O.A. filed under section 19 of Administrative Tribunals Act 1985, applicants have challenged the notification dated 21.03.2003 (Annexure A-1) by which direction was issued for holding written test and interview for selection of 10% Graduate quota as direct recruits for the post of ASM/YD MASTER/TI/SCNL in the Grade of Rs.5500-9000/-. This notification was issued in continuation of the notification already issued on 31.07.2002, A copy of which has been filed as Annexure A-2. In this notification dated 31.07.2002 the ~~eligibility~~ ~~ability~~ has been provided in following words:

"All the non ministerial staff of Traffic department who are graduate and are below 40 years of age on 31.07.2002. The last date of application was provided as 09.08.2002."

2. The learned counsel for the applicant has submitted that by Railway Board Circular No.E(NGI)-2000/PM 2/12 dated 21.08.2001 in respect of the recruitment under the scheme of Departmental Competitive Examination (GDCE) for filling up 55% of Direct Recruitment quota posts in Group 'C' categories, the age for relaxtion has been enhanched for from 40 years to 42 years for General Candidates but in the notification dated 31.07.2002 or in the impugned notification this fact was not intimated to the employees who were aspiting for appearing in the selection test for 10% Graduate quota and in ignorance of the correct provisions they could not apply. It is submitted that most of the applicant had completed 40 years on 31.07.2002 and they could have applied for relaxtion of age limit under the provisions contained in



the Railway Board Circular dated 21.08.2001 and in this way the selection has been affected as genuine candidates have been deprived of the chance to ~~have been appeared~~ appear in the selection.

3. The learned counsel for the applicant has further submitted that before coming to this Tribunal applicants filed a representation dated 06.10.2002 before respondent no.2 but the representation has not been decided and is still pending.

4. Considering the facts and circumstances, of the case as the applicants have already approached the competent authority, in our opinion, the ends of justice shall be better served if the respondent no.2 is directed to decide the representation of the applicants by a reasoned order within three months from the date copy of the order is filed. In the ~~original application~~ ^{order} other grounds have ~~already~~ been raised for challenging the notification. However, as we are directing respondent no.2 to decide the representation, it is not necessary for us to examine the grounds.

5. For the reasons stated above, this O.A. is disposed of finally with a direction to respondent no.2 to decide the representation of the applicant by a reasoned order within three months from the date copy of the order is filed.

6. There shall be no order as to costs.


Member-A


Vice-Chairman

/Neelam/