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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated: this the 07th day of APRIL 2008

Original Application No. 487 2007

Hon'ble Mr. N.D. Dayal, Member (A)

Hon'ble Mr. A.K. Gaur, Member (J)

1. A. Rahim, S/o Sri Ali Ahmad, Working as CCW, N.C., Railway, Allahabad, R/o 550-E/Ghanshyam Nagar, Railway colony, Allahabad.
2. K.C. Saxena, S/o late Sri H.S. Saxena, working as HRDC, NC Railway, Allahabad, R/o 840 A, Railway Quarter, Loco Colony, Allahabad.
3. Saleem Mohd. S/o late Shri Kalloo Khan, working as HPC NCR, Tundla, R/o Nagla Masjid Line Paar, Tundla.
4. S.K. Gupta, S/o Sri P.P. Gupta, working as HBC, NC, Railway, Firozabad, R/o 89 Hanuman Ganj, Firozabad
5. R.K. Pathak, S/o Sri T.P. Pathak working as HBC , NCR, Aligary, R/o 3/261 H Japan House, Luuxmibai Marg, Aligarh.
6. Sunil Kumar, S/o Sri S.A. Kitta, working as HBC, NCR, Aligarh, R/o MIG 5, New Rajeev Nagar, Aligarh.
7. Om Prakash, S/o late Shri Lekh Raj Singh, Working as HBC, NCR, Aligarh, R/o 47 J Railway Colony, Pan Dariba, Aligarh.
8. Ashok Bhattacharya, S/o late B.C. Bhattacharya working as HRDC, NC Railway, Allahabad, R/o 759/645, Old Katra, Allahabad.
9. Sikandar Alam, S/o Sri Mohd. Alam, working as HBC NC Rly, Allahabad, R/o 662-A, Loco Colony, Alahabad.
10. R.K. Asthana, S/o Sri K.B. Asthana, working as HPC NC Rly., Allahabad, R/o 106 A/1, Nihalpur, Khuldabad, Allahabad.
11. S.C. Sharma, S/o Late Sri D.P. Sharma, working as HBC, NC Rly., Tundla, R/o 99/A Loco Clony, Tundla, Firozabad.

. . . Applicants

By Adv: Sri S. Ram/ Sri Anand Kumar

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V E R S U S

1. Union of India through General Manager, NC. Rly, HQ Allahabad.
2. Divisional Railway Manager, NC Rly., Allahabad.
3. Sr. Divisional Personnel Officer, NC Rly., Allahabad.
4. Sr. Divisional Commercial Manager, N.C. Railway, Allahabad.

. . . Respondents

By Adv: Sri A. Tripathi

O R D E RBy Hon'ble Mr. N.D. Dayal, Member (A)

Heard Sri S. Ram learned counsel for the applicant and Sri A.K. Dave brief holder of Sri A. Tripathi learned counsel for the respondents.

2. Respondents' counsel submits that the matter may be decided after looking into the relief sought by the applicant. The main relief is the request to fill up 32 vacancies of Coaching Supervisors arisen due to upgradation of posts under restructuring of cadres as per policy of Railway Board circulated vide their letters dated 09.10.2003, 06.01.2004 and 23/26.07.2004.

3. It has been contended that the Railway orders lay down that such vacancies are to be filled up only by modified selection procedure, whether it is selection or non selection post. He, therefore, prays that the Railways may be asked to adhere to their own orders in this matter.

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4. It is seen that this case was heard earlier on 11.5.2007 and the Tribunal had passed an order to the effect that in case the modified procedure of selection is to be followed the respondents may make such averment in the CA so that the matter could be taken up accordingly. From the CA it is seen that the grounds taken by the applicant have been contested. It is stated that for 38 posts selection was held but none succeeded in it. There does not appear to be any mention of modified procedure of selection therein.

5. We are of the view that the respondents would not be prejudiced if they are asked to follow their own instructions in filling up the posts in question.

6. The applicant's counsel further submits that he has filed in his RA, two orders passed by the respondents purporting to take steps for selection in grade of Coaching Supervisors and in the next higher grade. He, therefore, prays that the examinations which are to be held ^y on 5.4.2008 and 12.4.2008, may be stayed. It is seen that 5.4.2008 is already over and no decision is feasible on the new pleas taken in RA on the basis of present pleadings. We are, however, inclined to extend liberty to the applicant to challenge these orders before the respondents by making representation in this regard within a

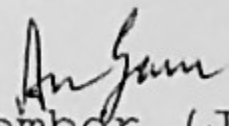
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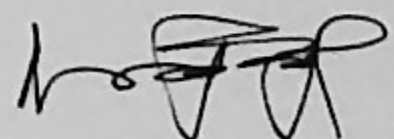
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stipulated time, which shall be decided by the respondents in accordance with law.

7. In view of the above we consider it appropriate to direct the respondents to adhere to the instructions of the Railway Board specified above in so far as filling up of the resultant/chain vacancies ~~is~~ concerned which have arisen upon upgradation following re-structuring and are stated by the applicant to be 32 in number, by adopting the procedure prescribed in the Railway instructions, which as pointed out by the applicant's counsel is the modified selection procedure. It would be open to the applicant to approach the respondents with a certified copy of this order and a representation challenging the two orders issued by the respondents in January 2008 appended with the R.A. The respondents shall decide the same by a speaking order in accordance with law within a period of four weeks taking into consideration the grounds that may be brought out by the applicants in their representation and inform them of the result immediately thereafter.

8. The OA is disposed of as above. No costs.


Member (J)


Member (A)

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