

Date of Decision: 19.9.96

OA 354/95

1. Man Singh Sharma, TTI in the office of DCTI, Northern Railway, Jodhpur.
2. Jamil Ahmed, TTI in the office of DCTI, Northern Railway, Jodhpur.
3. R.K. Purohit, TTI in the office of DCTI, Northern Railway, Jodhpur.
4. K.K. Sharma, TTI in the office of DCTI, Northern Railway, Jodhpur.
5. Jitendra Kumar Dadhich, TTI in the office of DCTI, Northern Railway, Jodhpur.

... Applicants

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Jodhpur.
3. Raj Kumar Singh, TTI, Northern Railway, Jodhpur.
4. Vinod Kumar, TTI, Northern Railway, Jodhpur.
5. Mohan Lal Chauhan, TTI, Northern Railway, Jodhpur.
6. Hem Singh, TTI, Northern Railway, Jodhpur.
7. Yatendra Kumar, TTI, Northern Railway, Jodhpur.
8. Ram Charan Meena, TTI, Northern Railway, Jodhpur.

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. S.C. VAISH, ADMINISTRATIVE MEMBER

For the Applicants

... Mr. P.V. Calla with  
Mr. P.R. Singh

For the Govt. Respondents

... Mr. S.S. Vyas

For the Private Respondents

... Mr. S.K. Malik

ORDER

PER HON'BLE MR. S.C. VAISH, ADMINISTRATIVE MEMBER

All the applicants, named above, are working as TTI with the respondent Northern Railway and are posted at Jodhpur. They have come to the Tribunal seeking the following reliefs :-

"It is, therefore, prayed that the Hon'ble Tribunal may kindly call for and examine the entire records relating to this case and by an appropriate order or direction direct the official respondents not to accord any promotion to the members belonging to reserved category in excess of their quota particularly in view of Annexure A-1 to the private respondents No.3 to 8 on the post of CTI scale Rs.2000-3200.

mmL  
19-9-96

9/13

That so far no promotion has been accorded in favour of private respondents and if any promotion is made during the pendency of the OA, the same may kindly be declared illegal and be quashed and set aside.

Further, it is prayed that in view of total cadre strength of the post of CTI scale Rs.2000-3200 the deficiency in respect of general category candidates may be directed to be filled in if the general category candidates are found otherwise suitable.

Any other relief to which the applicants are found entitled, may also be granted.

The OA may kindly be allowed with cost."

2. We have heard Shri P.V. Calla with Shri P.R. Singh, counsel for the applicants, Shri S.S. Vyas, counsel for the Government respondents and Shri S.K. Malik, counsel for the private respondents.

3. The grievance of the applicants pertains to the selection list prepared by the respondent Railways on 11.8.95 (Ann.A-1) and the consequent eligibility list dated 5.5.95 (Ann.A-4). The facts of the present application are similar to the facts contained in OA 85/96, which has been decided by the Tribunal today. The detailed reasons given in the judgement need not be repeated hereagain in this judgement. The learned counsel for the private respondents has urged that there is no prayer in the relief clause for quashing the eligibility list, at Ann.A-4. Its correctness has been specifically challenged in the body of the OA. The learned counsel for the Government respondents has conceded that the eligibility list has been prepared on the basis of determination of seniority from the date of entry into the grade, which is contrary to the law laid down by the Hon'ble Apex Court on this subject.

4. For the reasons stated in the judgement (passed in OA 85/96), the eligibility list dated 5.5.95 (Ann.A-4) is quashed. The Government respondents are directed to prepare the eligibility list afresh in conformity with the law laid down by the Hon'ble Apex Court in the case of R.K. Sabharwal and others v. State of Punjab and others, reported in 1995 (1) SLR 791, and in the case of Ajit Singh Januja and others v. State of Punjab and others, reported in JT 1996 (2) 727. It is further directed that the applicants may make representation to the authority concerned pointing out the relevant decisions of the Hon'ble Apex Court laying down the law on this subject and the effect of the same on their seniority. If such representation is made within a period of one month from today, the same shall be taken into consideration by the authority concerned while complying with the directions contained hereinabove as expeditiously as possible,

mrm L  
19-9-96.

D/14

- 3 -  
preferably within a period of four months from the date of receipt thereof. This application is disposed of accordingly. The Registry is directed to send a copy of this order to all the respondents immediately. No order as to costs.

mm L  
(S.C.VAISH) 19-9-96.  
ADMINISTRATIVE MEMBER

CKR  
(GOPAL KRISHNA)  
VICE CHAIRMAN

VK