

Date of order : 29.04.1997

1. M.A.NO. 69/1997  
IN  
O.A.No. 387/1996

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Jodhpur.
3. The Divisional Personnel Officer, Northern Railway, Jodhpur.

... Applicants

Vs.

1. Raj Kumar Singh S/o Shri Vishambhar Singh, R/o Qtr. No. 11/442, Chopasni Housing Board, Jodhpur.
2. Mohan Lal S/o Shri Jaman Lal R/o Qtr. No.T/64-A, Traffic Colony, Northern Railway, Jodhpur.
3. Hem Singh S/o Shri Kewal Singh R/o 17/737, Chopasni Housing Board, Jodhpur.
4. Yatendra Kumar S/o Shri Babu Ram R/o 18/21 Chopasni Housing Board, Jodhpur.
5. Jamil Ahmed S/o Shri Abdul Hamid, R/o C/o DCTI, Northern Railway, Jodhpur.
6. Man Singh Sharma S/o Shri Mool Chand Sharma, R/o C/o DCTI, Northern Railway, Jodhpur.
7. R.K.Purohit S/o Late Shri S.K.Purohit, R/o C/o DCTI, Northern Railway, Jodhpur.
8. K.K.Sharma S/o Shri Johari Lal , R/o C/o DCTI, Northern Railway, Jodhpur.
9. Jitendra Kumar Dadhich S/o Shri Lal Chand, C/o DCTI, Northern Railway, Jodhpur.

... Respondents

For the Applicants  
For the Respondents No.  
1 to 4  
For the Respondents No.  
5 to 9

... Mr. S.S.Vyas  
... Mr.S.K.Malik  
... Mr.P.V.Calla



2. M.A.No. 39/1997  
IN  
O.A.No. 387/1996

1. Raj Kumar Singh S/o Shri Vishambhar Singh,  
R/o Qtr. No.11/442, Chopasni Housing Board, Jodhpur.
2. Mohan Lal S/o Shri Jaman Lal R/o Qtr.No.T/64-A,  
Traffic Colony, Northern Railway, Jodhpur.
3. Hem Singh S/o Shri Kewal Singh, R/o 17/737,  
Chopasni Housing Board, Jodhpur.
4. Yatendra Kumar S/o Shri Babu Ram R/o 18/21,  
Chopasni Housing Board, Jodhpur.

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7. K.K.Sharma S/o Shri Johari Lal R/o C/o DCTI,  
Northern Railway, Jodhpur.
8. Jitendra Kumar Dadhich S/o Shri Lal Chand  
C/o DCTI, Northern Railway, Jodhpur.

... Respondents

For the Applicants

... Mr. S.K.Malik

For the Respondents No. 1 to 3

... Mr. S.S.Vyas

For the Respondents No. 4 to 8

... Mr. P.V.Calla



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CORAM :

THE HON'BLE MR.S.DAS GUPTA, ADMINISTRATIVE MEMBER

THE HON'BLE MR.A.K.MISRA, JUDICIAL MEMBER

PER HON'BLE MR.S.DAS GUPTA :

This M.A. has been filed by the official respondents praying that a proper direction in the interest of justice be given to the applicants-respondents that they be allowed to recast the seniority in accordance with the Railway Board's order dated 28.2.1997 and that would not amount to contempt of the Hon'ble Court and other direction or orders.

2. We have heard the learned counsel who has moved this M.A. and also the counsel for the other parties.

3. It appears that the Railway Board have since issued certain guidelines by which it has been enjoined on the various local authorities that determination of seniority of the SC/ST candidates who got accelerated promotion, in accordance with the law laid down by the Hon'ble Supreme Court in the case of R.K.Sabrawal be effected from 10.2.1995. Their submission is that if these guidelines are followed, this will amount to non-compliance of the directions given by the Tribunal in the Man Singh's case.

4. In the Man Singh's case, certain directions were given by the Tribunal for recasting the eligibility list for promotion to the post of CTI. These orders have not been recalled, although, provisional seniority list which has been prepared on the basis of the decision



in Man Singh's case is under challenge in the O.A. No. 387/1996 Raj Kumar Singh's case. Until the decision in the Man Singh's case is recalled, the respondents are required to follow the directions given therein. They have already prepared the eligibility list based on such direction and has also conducted a written test. Thereafter, at the stage of Viva-Voce test, an interim direction had been given by a Single Member Bench of this Tribunal to hold the Viva-Voce test but to keep the result in the sealed cover.

5. The M.A. has not sought recalling of the order in the Man Singh's case. Their only prayer is that they should be allowed to prepare the seniority list *according to* the guidelines issued by the Railway Board. We are not in a position to take a view at this stage whether the guidelines issued by the Railway Board are contrary to the decision given in the Man Singh's case. It will, therefore, be advisable for the Railways to file a Review Application in case they are of the view that there is any infirmity in the Mansing's decision. The matter cannot be sorted-out through this M.A. filed by them and the same stands disposed of accordingly.

6. This order also disposes of the M.A. No. 39/1997 which has been filed by the applicants in O.A. No. 387/1996. The learned counsel for the private respondents contended that the interim order be modified to the extent that the promotions be granted subject to the final out-come of the O.A. No. 387/1996.



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7. After taking into consideration the various facts and circumstances of the case, we do not consider it appropriate at this stage to pass any such order. The interim order issued on 10.3.1997 shall continue until further orders.

8. M.A.Nos. 69 and 39 of 1997 in O.A.No. 387/1996, stand disposed of accordingly.

Sd/  
( A.K. Misra )  
Judl. Member

Sd/-  
( S. Das Gupta )  
Admn. Member

111

....

MEHTA

भाषित सही प्रतिलिपि

25-4-97

अनुभाग अधिकारी (न्यायिक)  
केन्द्रीय प्रशासनिक अधिकरण  
नया दिल्ली

Part II and III destroyed

in my presence on 3.7.2005

under the supervision of

section officer (I) as per

order dated 1.6.15/2005

  
Section officer (Record)