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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,  
J\_O\_D\_H\_P\_U\_R.

Date of Order : 24.1.2001.

1. O.A. No.157/1997

Y.C. Pathak S/O Sh. R.C. Pathak, aged about 43 years, R/O Qtr. No. M/60 Khamblighat District Rajsamanadh, at present employed on the post of Permanent Way Inspector, Khamblighat, Western Rly.

... Applicant

Vs

1. The Union of India, through General Manager, Western Railwa Churchgate, Bombay.
2. The Divisional Railway Manager, Ajmer Division, Ajmer.
3. Shri P.T. Verghase, PWI Grd. I System Training School (Enggr), Ajmer Western Railway.
4. Shri Rattan Lal, PWI Grd. I., Palanpur, District Ganaskata (Gujarat).
5. Shri K.K. Solanki, PWI Grd., I, System Training School, Ajmer Western Railway.

... Respondents

2. O.A. No.171/1997

Shiv Dayal Singh S/O Shri Ram Swaroop, aged about 45 years, R/O Qtr. No.E/20 Mavli Jn. District Udaipur, at present employed on the post of Permanent Way Inspector, Mavli Jn. Western Railway.

... Applicant

Vs

1. The Union of India, through General Manager, Western Railway, Churchgate, Bombay.
2. The Divisional Railway Manager, Ajmer Division, Ajmer.
3. Shri Rattan Lal, PWI Grd., I., Palanpur, District Ganaskata (Gujarat).
4. Shri K.K. Solanki, PWI Grd., I, System Training Shool, Ajmer Western Railway.

... Respondents

Mr. J.K. Kaushik, Counsel for the Applicants (in both O.As)

Mr. S.S. Vyas, Counsel for the Respondents No. 1 & 2 ( in O.A. No.157/97 ) and for Respondents 1 to 4 ( in O.A. No.171/97)

None is present for Respondents No. 3 to 5 (in OA No.157/97)

CORAM :

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

*Gopal Singh*

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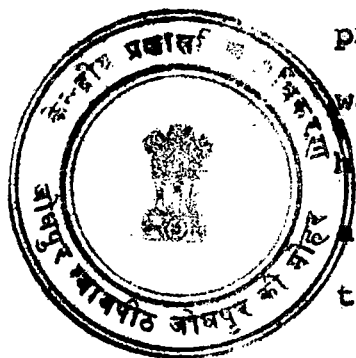


( PER HON'BLE MR. GOPAL SINGH )

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4. We have heard the learned Counsel for the parties, and perused the records of the case carefully.

5. In Civil Appeal No.3622/1995 decided on 19.11.'98, Union of India & Ors. Vs V.K. Sirothia, Hon'ble the Supreme Court has held that cadre restructuring scheme does not attract Roster reservation and in that view of the matter Sh. Rattan Lal (Respondent No.4) should not have been promoted as PWI Grd. I. Further, in Ajit Singh IInd case followed by the case of Sh. Jitendra Pal Singh 1999(7) SCC 257 and the case of M.G. Badappa Navar & Anr. Vs State of Karnataka & Ors 200(5) SCR 801, Hon'ble the Supreme Court has held that reserved category candidates promoted prior to 1.4.'97 on the basis of Roster reservation will not be reverted and their service would be treated as ad hoc. They would get regular seniority in the promotional post as and when they get regular promotion on that post in their turn.



6. In the light of the established legal position as indicated above, we are of the view that Shri Rattan Lal (Respondent No.4) promoted on the basis of Roster reservation would continue as such on ad hoc basis till regularisation, ~~xxx~~ the seniormost two applicants would also get promotional benefit to the post of PWI Grade I from the date Shri Rattan Lal has been promoted as PWI Grd. I. It is seen from the seniority list dated 21.6.93 (Annexure A/5) that Shri Y.C. Pathak (applicant in O.A. No.157/97) is senior to Shri Shiv Dayal Singh (applicant in O.A. 171/97). Thus, Shri Y.C. Pathak only will be getting the promotional benefit under the cadre restructuring scheme and Shri Shiv Dayal Singh will not be entitled to any benefit under the cadre restructuring scheme. Accordingly, we pass the order as under :

*Cirpaal Singh*

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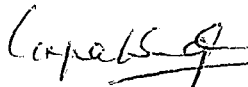
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" Original Application No. 171 of 1997 is dismissed.

Original Application No.157 of 1997 is allowed with a direction to the respondents to consider the case of the applicant (Shri Y.C. Pathak) for promotion to the post of PWI Grd. I under the cadre restructuring scheme and if found suitable, extend him benefit with effect from the date the said benefit was extended to Shri Rattan Lal (Respondent No.4), with all consequential benefits. Respondent No.4 would, however, be continued as such on ad hoc basis till regularisation."

7. Parties are left to bear their own costs.



  
( GOPAL SINGH )  
Adm. Member

  
( B.S. RAIKOTE )  
Vice Chairman

\*J\*