IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : August 06, 1999.

1. **O.A. No. 304 of 1998**

Vidhya Sagar son of Shri Vishan Das Sharma by caste Brahmin age 57½ years, Section Engineer (Elect.) Northern, Sriganganagar, resident of Railway Quarter No. 254, Near Railway Station, Bhatinda.

... Applicant.

2. **O.A. No. 305 of 1998**

Prem Singh son of Shri Achalu Ram Gehlot Section Engineer Electric (Construction), working under Senior Electrical Engineer (Construction), Northern Railway, Construction Branch, Jodhpur, resident of Padmini Niwas, Nayapura Hospital Road, Lal Sagar, Mandore, Jodhpur.

... Applicant.

3. **O.A. No. 306 of 1998**

Basker Narain lal son of Shri Chhedi Lal, Section Engineer Electric, Northern Railway Workshops, Bikaner, resident of Railway Quarter No. 218-B, New Railway Colony, Lalgarh.

... Applicant.

v e r s u s

1. Union of India through the General Manager, Northern Railway Headquarters, Baroda House, New Delhi.
2. Senior Divisional Personnel officer, Northern Railway Divisional Office, Bikaner (Raj.).
3. Shri Harshvardhan, Assistant Personnel Officer, Northern Railway, Divisional Office, Bikaner (Raj.).
4. Shri R.D. Sharma, Section Engineer, Electrical Railway Construction, Minto Bridge, New Delhi.

... Respondents in all the 3 O.As.

Mr. Bharat Singh, Counsel for the applicants.

Mr. Vivek Gupta, Adv. Brief holder for Mr. Ravi Bhansali, Counsel for

the Respondents Nos. 1 to 3.
None is present on behalf of the respondent No. 4.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member.
Hon'ble Mr. Gopal Singh, Administrative Member.

O R D E R

(Per Hon'ble Mr. Gopal Singh)

In all these 3 applications, the controversy involved as also the relief sought is the same and, therefore, these are being disposed of by this single order.

2. All the applicants in these applications under Section 19 of the Administrative Tribunals Act, 1985, have prayed for setting aside the impugned orders dated 9.11.98 (Annexure A/1), dated 11.11.98 (Annexure A/2) and dated 11.11.98 (Annexure A/3).

3. Applicants' case is that in the implementation of restructuring scheme in the category of SSE (Elect) / SE (Elect) with effect from 1.3.1993, the names of the applicants alongwith 3 others were placed in the panel for the post of SE (Elect) grade Rs. 2000-3200 vide respondents' order dated 20.1.94 and they were given promotions vide respondents' letter dated 16.2.94 (Annexure A/5) and all these applicants had joined their respective promotional post. The names of the applicants have since been deleted from this panel vide respondents' letter dated 11.11.98 (Annexure A/2) and all the applicants have been asked to appear for selection for the post of SE (Elect) vide respondents' letter dated 11.11.98 (Annexure A/3). The respondents vide their letter dated 9.11.98 (Annexure A/1) have informed the applicants about their depanelment from the panel prepared on 20.1.94. Aggrieved by this action of the respondents, the applicants have approached this Tribunal.

4. By way of interim relief, the operation of the order dated 11.11.98 (Annexure A/3) was stayed by this Tribunal vide its order dated 24.11.98.

5. Notices were issued to the respondents and they have filed the reply. It has been submitted by the respondents that while preparing the panel for the post of SE (Elect), the names of three

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senior eligible employees were left for the placement on the panel and on their representations in this regard, the panel had to be revised and the same has been revised with the approval of the competent authority.

6. We have heard the learned counsel for the parties and perused the records of the case.

7. The same controversy had come up before this Tribunal earlier in OAs Nos. 173/97, 174/97, 200/97 and 209/97 and all these applications were allowed with the direction to the respondents that the name of the applicants should continue on the panel and they should continue to enjoy their promotion to the higher grade under the restructuring scheme and the officials on deputation to the construction organisation should be afforded proforma fixation as per rules. We do not find any strong reasons to deviate from the stand taken in the above original applications.

8. For the reasons recorded in our order dated 10.9.98 in OAs Nos. 173/97, 174/97, 200/97 and 209/97, the present applications are allowed and impugned orders at Annexure A/1, Annexure A/2 and Annexure A/3 are hereby quashed with the direction to the respondents that the name of the applicants should continue on the panel of SE (Elect) and the applicants should be allowed to enjoy their promotion to the post of SE (Elect) from the initial date of promotion and the officials on deputation to the construction organisation, should be afforded proforma promotion as per rules.

9. Parties are left to bear their own costs.

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(GOPAL SINGH)
Adm. Member

(A.K. MISRA)
Judl. Member

cvr.