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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR

Original Application No. 32/2003

Date of Decision : 11.08.2004

CORAM:

The Hon'ble Mr. J.K. Kaushik, Judicial Member.
The Hon'ble Mr. M.K. Misra, Administrative Member.

1. Narendra Singh Champawat S/o Sh. Suraj Bhan Singh, aged about 30 years, r/o H.No.4-K-5, Behind Shoping Centre, Pratap Nagar, Jodhpur-04.
2. Bhawani Singh Shekhawat S/o Sh. Bheru Singh r/o Mahadev-ji-ki-Bawadi, Near Bhati Misthan Bhandar, Rasala Road, Jodhpur.

.....Applicants.

Rep. By Mr. R. Singh: Counsel for the applicants.

versus

1. Union of India through the General Manager, Western Railway Churchgate, Mumbai.
2. Chairman, Railway Recruitment Board, Ajmer, Western Railway Ajmer
3. The Divisional Railway Manager, Ratlam Division, Western Railway, Ratlam.
4. The Divisional Railway Manager, North-Western Railway, Jaipur.
5. The Divisional Railway Manager, Western Railway, Kota.
6. The Divisional Railway Manager, North-Western, Ajmer.

....Respondents

Rep. By Mr. Manoj Bhandari: Counsel for the respondents No. 1 & 3.

By Mr. Salil Trivedi: Counsel for the respondents No. 4 to 6.
None present for respondent No. 2.

ORDER

Mr. J.K. Kaushik, Judicial Member.



Shri Narender Singh and Shri Bhawani Singh Shekhawat have filed this O.A. inter alia with the prayer that Rule 302 of Indian Railway Establishment Manual, 1989 Vol-I may be declared null and void and ultra vires and the respondents be directed to appoint the applicants on the post of Ticket Collector with all the consequential benefits.

2. The case was listed for admission today. The pleadings are complete and a very short controversy is involved inasmuch as the controversy is said to have been resolved by a coordinate Bench of this Tribunal at Jaipur. With the consent of parties, the case was taken for final disposal at the stage of

admission. We have heard the learned counsel for the parties and have very carefully perused the records and pleadings of the case.

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3. As far as the factual background of the case is concerned the same is at a very narrow compass. Both the applicants being unemployed youth got an opportunity to apply for the post of Ticket Collector in pursuance of a notification issued vide advertisement no. 1/96 by the respondent No. 2. There were 47 vacancies declared for the post of Ticket Collectors. The applicants being fully eligible were allowed to undertake the said examination and both of them came to be successful and found their names in the merit at serial No. 6 & 11 respectively on the panel against the posts meant for general categories vide panel 30.5.97 (Annex. A/3). The grievance of the applicants is that despite about five years have been elapsed, the applicants have not been appointed so far and their fate remains under doldrum, full of uncertainties.

4. On the other hand, the learned counsel for the respondents have jointly submitted that the controversy involved in the instant case has been already adjudicated upon by a coordinate Bench of this Tribunal at Jaipur vide order dt. 12.8.03 passed in OA 467/01 Anil Sharma and others Vs. Union of India and others at Annex. R/2 to the reply filed on behalf of the respondent No. 1 & 3 and the matter does not remain res integra. We have specifically pointed out to the learned counsel for the applicants as to whether any of the junior to the applicants in merit on the panel has been appointed on the post of Ticket Collector, the learned counsel replied in negative. We find from the perusal of the judgment in Anil Kumar's case supra, that the ratio of the judgment is that since no person junior to the applicants has been given appointment as Ticket Collector and therefore no interference was called for.

5. We have considered the submissions made on behalf of both the parties and also waded the judgment which has been relied upon by the learned counsel for the respondents. At this juncture we can only assert that independent of aforesaid authorities, if we were to examine the matter afresh, we would have



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reached to the same conclusion. We also find that as far as the legal and factual position is concerned, there is no dispute from the applicants side as well. In this view of the matter we have absolutely no hesitation in following decision rendered in Anil Kumar sharma supra case and decided this O.A. on the similar lines.

6. In the premises the O.A. sans merits and the same fails and stands dismissed accordingly. We make it clear that no submissions/arguments were advanced as regards the validity of Para 302 of IREM VOL-I i.e. prayer No.(i) and, therefore, no findings on the same can be given. The same shall remain open. However, in the facts and circumstances of the case there shall be no order as to costs.


(M K Misra)
Administrative Member.


(J K Kaushik)
Judicial Member.

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