

I/7

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH

DATE OF ORDER: 25.01.2006

CORAM:

HON'BLE MR. V.K. MAJOTRA, VICE CHAIRMAN.

HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER.

(1) ORIGINAL APPLICATION NO. 110/2004 & M.A. No. 151/2005

1. Mool Chand Sharma S/o Shri Ramukh Sharma, aged 43 years, Head Clerk.
2. Umaid Singh S/o Malkhan Singh, aged 45 years, Head Clerk.
3. Smt. Madan Kanwar W/o Shri Sajjan singh, aged 35 years, Sr. Clerk.

.....Applicants/Respondents in M.A. No. 151/2005

Mr. J.K. Mishra and Mr. B. Khan, counsel for the applicants/respondents in M.A

VERSUS

1. Union of India through the General Manager (P), North West Railway, Jaipur.
2. The Chairman, Railway Board, Rail Bhawan, New Delhi.
3. The Chief Work Shop Manager, North West Railway, Jodhpur Division, Jodhpur (Raj.)

.....Respondents/Applicants in M.A No. 151/2005.

Mr. Vikash Joshi, proxy counsel for

Mr. J.P. Joshi, Senior Counsel for the respondents in O.A.

& Mr. Manoj Bhandari, counsel for the respondents in O.A.

2. ORIGINAL APPLICATION NO. 111/2004 & M.A. No. 152/2005

1. Smt. Krishna Ojha W/o shri Harilal Ji, aged 55 years, Head Clerk.
2. Purushottam jangir S/o Shri Magraj Ji, aged 45 years, Head Clerk.
3. Smt. Pramila Tak W/o Shri Narendra Tak, aged 34 years, Sr. Clerk.
4. Smt. Alka Mathur W/o Shri Anil Mathur, aged 34 years, Sr. Clerk.
5. Smt. Seema Gaur W/o Late Bhumesht Gaur, aged 37 years, Sr. Clerk.

All the applicants are at present working in the Personnel Branch under chief Workshop Manager, North West Railway, Jodhpur (Raj.)

.....Applicants/Respondents in M.A. No. 152/2005

Mr. J.K. Mishra and Mr. B. Khan, counsel for the applicants/Respondents in M.A.

VERSUS

1. Union of India through the General Manager (P), North West Railway, Jaipur.
 2. The Chairman, Railway Board, Rail Bhawan, New Delhi.
 3. The Chief Work Shop Manager, North West Railway, Jodhpur Division, Jodhpur (Raj.)
-Respondents/applicants in M.A. No. 152/2005.

Mr. Vikash Joshi, proxy counsel for

Mr. J.P. Joshi, Senior Counsel for the respondents/applicants in M.A. &

Mr. Manoj Bhandari, counsel for the respondents/applicants in M.A.

3. **ORIGINAL APPLICATION NO. 115/2004 & M.A. No. 03/2006.**

1. Smt. Devi Sharma W/o Shri Balkishsan Sharma, aged 54 years, Head Clerk.
2. Shri Ballabh Narain Gour S/o Late Satyanarayan Ji, aged 53 years, Head Clerk.
3. Smt. Anu Chauhan W/o Vijendra Singh Chouhan, aged 35 years, Sr. Clerk

All the applicants are at present working in the Personnel Branch in D.R.M. Office, North West Railway, Jodhpur Division, Jodhpur (Raj.)

...Applicants/Respondents in M.A. 03/06.

Mr. J.K. Mishra and Mr. B. Khan, counsel for the applicants/respondents in M.A.

VERSUS

1. Union of India through the General Manager (P), North West Railway, Jaipur (Raj.)
 2. The Chairman, Railway Board, Rail Bhawan, New Delhi.
 3. The Divisional Railway Manager, North West Railway, Jodhpur Division, Jodhpur (Raj.).
 4. The Divisional Personnel Officer, North West Railway, Jodhpur Division, Jodhpur(Raj.)
-Respondents/applicants in M.A No. 03/06.

Mr. Manoj Bhandari, counsel for the respondents/applicants in M.A.

4. **ORIGINAL APPLICATION NO. 156/2004**

1. Rajendra Pal Singh S/o Shri Ram Gopal Singh, aged about 39 years, at present working on the post of -A.S.M. at Bhinwalia, District-Pali, North/West Railway, Ajmer Division, Ajmer (Raj.)
2. R.D. Charan S/o Shri S.D. Charan, aged about 39 years, at present working on the post-A.S.M. at Chandwal, District-Pali, North/West Railway, Ajmer Division, Ajmer (Raj.).



3. Anil Yadav S/o Shri O.P. Yadav, aged about 38 years, at present working on the post of -A.S.M. at Falana, District-Pali, North/West Railway, Ajmer Division, Ajmer (Raj.)
4. Vijay Singh Shekhawat S/o Shri H.N. Singh Shekhawat, aged about 39 years, at present working on the post of - A.S.M. at Jawali Station, District-Pali, North/West Railway, Ajmer Division, Ajmer (Raj.).
5. Shailendra Joshi S/o Shri Shyam sunder Joshi aged about 37 years, at present working on the post of A.S.M. at Falana, District-Pali, North/West Railway, Ajmer Division, Ajmer (Raj.).

...Applicants.

Mr. B. Khan, counsel for the applicants.

VERSUS

1. Union of India through the General Manager (P), North West Railway, Jaipur (Raj.)
2. The Chairman, Railway Board, Rail Bhawan, New Delhi.
3. The Divisional Railway Manager, North West Railway, Ajmer Division, Ajmer (Raj.)
4. The Divisional Personnel Officer, North West Railway, Ajmer Division, Ajmer (Raj.)
5. Shri P.D. Meena, A.S.M., Somesar Railway Station, District-Pali, North West Railway, Ajmer Division, Ajmer (Raj.)

...Respondents.

Mr. Salil Trivedi, counsel for the respondents No. 1 to 4.
None present for respondent No. 5.

5. ORIGINAL APPLICATION NO. 165/2004.

1. Hitesh N. Dave S/o Shri Narayan S Dave, aged about 33 years, at present employed on the post of - A.S.M. at Swarup Ganj Railway Station, North/West Railway, Ajmer Division, Ajmer (Raj.).
2. Bhim Raj Singh Panwar S/o Shri Mool Chand Panwar, aged about 29 years, at present employed on the post of - Ajmer (Raj.).

....Applicants.

Mr. B. Khan, counsel for the applicants.

VERSUS

1. Union of India, through the General Manager (P), North West Railway, Jaipur (Raj.).
2. The Chairman, Railway Board, Rail Bhawan, New Delhi.
3. The Divisional Railway Manager (E), North West Railway, Ajmer Division, Ajmer (Raj.).
4. The Divisional Personnel Officer, North West Railway, Ajmer Division, Ajmer (Raj.).
5. Shri Rameshwar Prasad Meena, A.S.M. Fulad Railway Station, Tehsil-Marwar Junction, North West Railway, Ajmer Division, Ajmer (Raj.).

....Respondents.

Mr. Salil Trivedi, counsel for the respondents No. 1 to 4.



(4)

None present for respondent No. 5.

6. **ORIGINAL APPLICATION NO. 01/2005.**

Moz Ali S/o Late Shri Azimuddin Ji, aged about 59 years, resident of - Quarter No. T-35-B, Behind P.W.D. Office, Ratangarh (Raj.) at present working as J.I.T. In Grade Rs. 5500-9000 (R.P.) North West Railway, Bikaner (Raj.).

....Applicant.

Mr. Y.K. Sharma, counsel for the applicant.

VERSUS

1. Union of India, through the General Manager, North West Railway, Jaipur (Raj.).
2. Divisional Railway Manager, North-West Railway, Bikaner (Raj.)
3. Divisional Personnel Officer, North-West Railway, Bikaner (Raj.).
4. Prakash Chandra, J.I.T., North West Railway, Bikaner (Raj.)
5. Ram Chandra, J.I.T., North West Railway, Hissar,

....Respondents

Mr. Manoj Bhandari, counsel for the respondents No. 1 to 3.

Mr. S.K. Mali, counsel for respondent No. 5.

None present for respondent No. 4.

7. **ORIGINAL APPLICATION NO. 33/2005**

Liykat Ali S/o Shri Babu Khan, aged 53 years, resident of Opp. Gersaria Maszid, Fad-Bazar, Bikaner - 334001, at present working as - Head Clerk in "P" Branch, DRM Office, North-West Railway, Bikaner (Raj.).

....Applicant

Mr. Y.K. Sharma, counsel for the applicant.

VERSUS

1. Union of India through General Manager, North West Railway, Jaipur (Raj.).
2. Divisional Personnel Officer, North-West Railway, Bikaner (Raj.).
3. Leelu Ram, Head Clerk, "P" Branch P-1 Section, North-West Railway, D.R.M. Office, Bikaner (Raj.).

...Respondents.

Mr. Manoj Bhandari, counsel for respondents No. 1 & 2.

Mr. B.Khan, counsel for the respondent NO. 3.

8. **ORIGINAL APPLICATION NO. 44/2005**

Harish Chandra Gurjar S/o Shri Lala Ji Gurjar, aged about 54 years, resident of - Gurjar Bhawan, Near New Opposite Church, Gandhi Nagar, Abu Road, District - Sirohi (Raj.), at present employed on the post of Station Master Maval Railway Station, Ajmer Division, Ajmer (Raj.)

...Applicant.



Mr. J.K. Mishra & Mr. B. Khan, counsel for the applicant.

VERSUS

1. Union of India through the General Manager (P), North/West Railway, Jaipur (Raj.)
2. The Chairman, Railway Board, Railway Bhawan, New Delhi.
3. The Divisional Railway Manager (E), North/West Railway, Ajmer Division, Ajmer (Raj.)
4. The Divisional Personnel Officer, North/West Railway, Ajmer Division, Ajmer (Raj.).
5. Shri Yogesh Singh Rajoriya, Station Superintendent, Gangrar Railway Station, North/West Railway, Ajmer Division, Ajmer (Raj.).

...Respondents.

Mr. Salil Trivedi, counsel for respondents No. 1 to 4.

None present for respondent No. 5.

9. **ORIGINAL APPLICATION NO. 45/2005**

Shankar Lal S/o Shri Hukam Chandra, aged about 58 years, resident of Near Diesel Shed Road, Gandhi Nagar, Abu Road (Raj.), at present employed on the post of Station Superintendent (S.S.) Maval, Tehsil Abu Road, North/West Railway, Ajmer Division, Ajmer (Raj.).

...Applicant.

Mr. J.K. Mishra & Mr. B. Khan, counsel for the applicant.

VERSUS

1. Union of India through the General Manager (P), North/West Railway, Jaipur (Raj.)
2. The Chairman, Railway Board, Railway Bhawan, New Delhi.
3. The Divisional Railway Manager (E), North/West Railway, Ajmer Division, Ajmer (Raj.)
4. The Divisional Personnel Officer, North/West Railway, Ajmer Division, Ajmer (Raj.).
5. Shri Lila Ram Meena, Station Superintendent, Jawai Band Railway Station, Tehsil Sumerpur, District Pali, North/West Railway, Ajmer Division, Ajmer (Raj.).

...Respondents.

Mr. Salil Trivedi, counsel for respondents No. 1 to 4.

None present for respondent No. 5.

ORDER
(PER MR. V.K. MAJOTRA, V.C.)

Three M.As have been filed on behalf of respondents, seeking deletion of the name of Chairman, Railway Board from the array of the respondents. We do not find any good grounds to allow them. These are accordingly rejected.

(6)

The issue involved in these cases being identical, they have been taken up together for disposal by this common order. The learned counsel for both sides have been heard.

At the outset, learned counsel for the respondents has filed a copy of order dt. 29.11.2005 in O.A. No.1173/2004 of C.A.T., Principal Bench, New Delhi, in the case of All India Equality Forum & Others Vs. UOI and Ors, stating that the issue raised in the present OAs' is the same as in that O.A. The Tribunal after taking into consideration the full Bench Judgment of the C.A.T. rendered on 10.8.2005 in O.A.No.933/2004 (P.S.Rajput & Two Others Vs. UOI & Others) as well as in O.A. No.778/04 (Mohd. Niyazuddin & 10 Ors. Vs. UOI and Ors) and also the SLP (Civil) No.____/ 2005 arising out of judgment and order dt. 03.03.2005 in CWP No.3182/2005 decided by the Hon'ble High Court of Punjab and Haryana, Chandigarh and other connected SLPs @ No.14550 of 2005, 13209 of 2005, 13125-13137/2005, disposed of the O.A. with the direction that the judgment to be rendered by the Hon'ble Apex Court in the aforesaid SLPs would be binding upon the parties therein also. Learned counsel for both the sides herein agree that the present matters be also disposed of on similar lines. Ordered accordingly. However, it is directed that respondents would not take any action in terms of Para 4 of the Restructuring Scheme issued vide RBE No. 177/03 till the decision in the SLPs is available. These OAs' stand disposed of accordingly. No costs.



R/copy
on 11/2/06
As

Sd/-
(V.K. Majotra)
Vice Chairman
01/12/05

Sd/-
(V.K. Majotra)
Vice Chairman

CERTIFIED TRUE COPY
Dated 31-1-06

For
Central Administrative Tribunal
Jodhpur Bench, Jodhpur