

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
JODHPUR BENCH, JODHPUR**

Original Application No. 258/2007

Date of order: 01.10.2007

Hukma Ram Goyal son of Shri Shanker Lal, aged 33 years. R/o  
Shahid Raja Ram Park, Rajbagh, Soorsagar, Jodhpur.

...Applicant.

**VERSUS**

1. Union of India through General Manager, North Western Railway, Jaipur.
2. General Manager (P), North Western Railway, Jaipur.
3. Divisional Railway Manager, North Western Railway, Jodhpur.

...Respondents.

Counsel For Applicant/s : Mr. Vijay Mehta

**CORAM:**

HON'BLE MR. JUSTICE A.K. YOG, JUDICIAL MEMBER.  
HON'BLE MR. R.R. BHANDARI, ADMINISTRATIVE MEMBER.

**ORDER (Oral)**

(Per Hon'ble Mr. Justice A.K. Yog, Judl.Member)

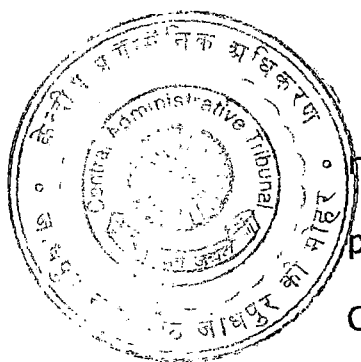


We have heard, Shri Vijay Mehta, learned counsel for the  
applicant and perused the record.

We propose to decide this O.A. finally at Admission stage,  
on following terms - without prejudicing interest of the  
Department/Respondents.

*Am*

The applicant in the O.A. contends that he received apprentice training at Northern Railway Workshops, Jodhpur from 12.08.1995 to 11.08.1998 in the trade of Machinist and completed the same successfully whereupon he was issued National Apprenticeship Certificate (Annexure A/2); though placed in medical category C-1, the Respondents have denied him appointment in 'Division' on the ground that for appointment on posts in group 'D', a candidate should be medical category - category B-1 vide impugned order dated 14.08.2007/Annexure A-1; the Respondents have made appointment of certain persons - with medical category C-1 - on posts in Group 'D' - in Workshops and Stores - outside 'Division'; the impugned order is arbitrary, discriminatory / violative of Art. 14, Constitution of India and also void-ab-initio being violative of principle of Natural Justice since he was given no notice or opportunity of hearing.



Applicant has filed copies of orders/letters of the respondents in support his contention that certain other persons have been appointed - though in medical category - C-I, on group 'D' posts in Railway Workshops and Stores (other than Division). Reference may be made to Annexs. 9, 10 & 11 filed alongwith the O.A.

The applicant, thus, seeks relief to quash the impugned order dated 14.08.2007/Annexure A/1 to the O.A., primarily on

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the ground of violation of principle of Natural Justice and also on ground of its being discriminatory - and hit by Article 14, Constitution of India.

Aforesaid contentions of the Applicant require examination of facts, perusal of relevant record and relevant orders of the Department. The applicant has already filed representation dated 21.06.2007 (Annexure A/6) before concerned authority and the same, according to him, has not been decided (See in para 4.6 and 4.7 of the O.A.).

We are of the opinion that the concerned Respondent / competent authority can decide aforesaid Representation/s pending before him (if not decided so far), more expeditiously in as much as it is convenient and also in a better position to examine relevant original records, relevant orders on the issue and decide the matter promptly by passing a reasoned order.



In the result, we direct the General Manager (Personnel), North Western Railway, Head Office, Jaipur to decide aforesaid representation of the petitioner / Annexure A/6 to the O.A. No. 258/2007 (also additional representations, if any, filed after passing of this order) exercising its unfettered jurisdiction without being influenced by our observations in this order - within four weeks of receipt of certified copy of this order (along with complete copy of O.A. No. 258/2007 - with all

*(Signature)*

annexures) provided certified copy of our order is filed /  
submitted within four weeks from today before Respondent No.  
2 - the General Manager (P), North Western Railway, Jaipur  
and communicate its decision forthwith by Registered Post.



Original Application No. 258/2007 allowed only to the  
extent indicated above.

<sup>ay</sup> No order as to costs <sup>ay</sup>.

*R.R. Bhandari*

[ R.R. Bhandari ]  
Administrative Member

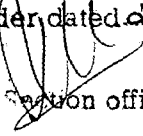
*A.K. Yog*

[ A.K. Yog ]  
Judicial Member

kumawat

NO. 2106222  
Dt. 10.10.97

Part II and III destroyed  
in my presence on 25.6.14  
under the supervision of  
section officer. (J) as per  
order dated 26.7.14.

  
Section officer (Record)

