

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH; JODHPUR**

**ORIGINAL APPLICATION NO. 293/2007**

**DATE OF ORDER: 19.07.2011**

**CORAM:**

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER  
HON'BLE MR. SUDHIR KUMAR, ADMINISTRATIVE MEMBER**

Maksud Hussain S/o Shri Rehmat Ali, aged about 31 years, by caste Musalman, R/o C/o Haji Mohammed Yunus, Mohalla Churigaran, Bikaner.

...Applicant.

Mr. Nitin Trivedi, counsel for applicant.

**VERSUS**

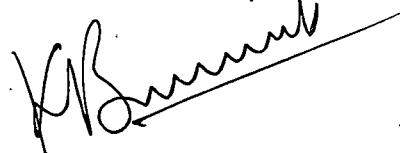
1. Union of India through the General Manager, North Western Railway, Jaipur.
2. Divisional Railway Manager, North-Western Railway, DRM's Office, Bikaner.
3. The Chief Personnel Officer, North-Western Railway, Headquarter Building, Jaipur.

... Respondents.

Mr. Manoj Bhandari, counsel for respondents.

**ORDER  
(Per Dr. K.B. Suresh, Judicial Member)**

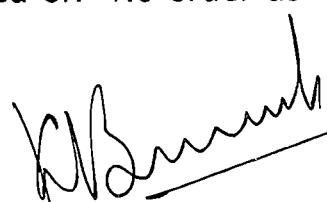
We have heard the learned counsels for both the sides. The impugned notification was set aside by this Bench of the Tribunal on an earlier occasion, against which challenge was put up before the Hon'ble High Court, and the Hon'ble High Court also found in favour of the Tribunal's order relating to validity of the circular, which originally granted a preference to be given to Apprentices, who have had taken training in the Railway establishment on the ground that General Manager has no jurisdiction to issue such circular. Therefore, the challenge was again taken up before the Hon'ble Apex Court vide Special Leave to Appeal (Civil) No. CC 12966-12968/2008 - **Abdul Hamid &**



**Ors. vs. Union of India & Ors.** Both the learned counsels agree that the determination of the existence of the notification will have to await the Hon'ble Apex Court's resolution on the issue. But Shri Nitin Trivedi, the learned counsel for the applicant, would submit that there is a slight difference in the case of the applicant than the others affected by the notification and vide thus quashment, the effect is that his selection was in C-I medical category despite being vide annexure A/7 selected for Track Machine Khalasi, which was only a mistake. He would say that Group-D posts can be categorized and ~~fill~~<sup>ed</sup> up by h different medical categorizations, and therefore if the notification h is subsequently on a resolution upheld by the Hon'ble Apex Court then his case could be considered afresh on the basis of medical categorization available. Reserving this right with the applicant, we hold that the issue will have to await the resolution by the Hon'ble Apex Court and depending upon the orders passed by the Hon'ble Apex Court, and the medical categorization available to the applicant, the respondents are directed to resolve this issue along with earlier reservation thus made in favour of the h applicant. If the ~~h~~ notification survives, the applicant shall be considered for C-1 medical category group 'D' post.

2. The Original Application is, thus, disposed of. No order as to costs.

  
**(SUDHIR KUMAR)**  
 ADMINISTRATIVE MEMBER

  
**(DR. K.B. SURESH)**  
 JUDICIAL MEMBER