

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

**ORIGINAL APPLICATION NO. 258/2010
WITH
MISC. APPLICATION NO. 147/2010**

Date of order: 25.02.2011

CORAM:

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

Madhu Purohit @ Madhu Joshi D/o Shri Prakash Chand Purohit and W/o Shri Som Nath Joshi, aged 28 years, R/o Chhingo Ka Chowk, Veer Mohalla, Jodhpur.

...Applicant.

Mr. Vijay Mehta, counsel for applicant.

VERSUS

1. Union of India through the Secretary, General Manager, North Western Railway, Jaipur.
2. General Manager (Karmik), North Western Railway, Jaipur.
3. Divisional Railway Manager, North Western Railway, Jodhpur.
4. Senior Divisional Personnel Officer, North Western Railway, Jodhpur.

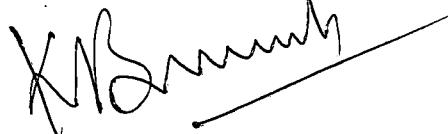
... Respondents.

Mr. Salil Trivedi, counsel for respondents.

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

We have heard Shri Vijay Mehta, learned counsel for the applicant and Shri Salil Trivedi, learned counsel for the respondents, and also had assistance of the amicus curiae Shri Kamal Dave, railway counsel & perused the pleadings and available records.

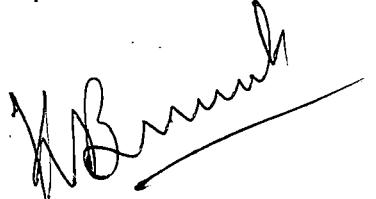
2. After hearing this matter in detail, we feel that the process of law and administrative scenario is being seriously prejudiced. But at the same time, Shri Vijay Mehta, learned counsel for applicant contended that the applicant being equitably situated



with 15 others, then she may also be declared to be eligible for the 16th position. This appears to us to be ~~a~~ reasonable. The question is, thus, whether a person can claim the benefit of illegality or ~~not~~, ~~As~~, for the time being, we are not considering whether the entire appointments' spectrum was illegal or not, for the simple reason that there is a constitutional mandate invoking a responsibility of the State to ensure livelihood of its citizen. ~~if~~ ~~any~~ ~~that~~ ~~was~~ ~~wrongly~~ ~~conferred~~, it will provide for ~~the~~ ~~lives~~ ~~of~~ ~~those~~ ~~people~~ ~~are~~ ~~not~~ ~~before~~ ~~us~~, and hence, we would not like to comment on it, but at the same time we hold that the Railways have not only a right but also a duty to ~~look~~ ^{to} ~~in~~ the entire spectrum of this. If they feel that other 15 ^{who} ~~were~~ ~~are~~ appointed, who performed along with the applicant, are to be continued in employment, then there is no reason why the applicant should not be allowed to work as well.

3. To consider the matter in its entire spectrum and on its merit, and if necessary to give a notice to all concerned, we remit back this matter to the Railways to decide the matter within a period of three months next, after affording opportunity to the applicant also to be heard, and pass an appropriate speaking order in the matter within three months next. The Original Application is, thus, disposed of to the extent stated above. The Misc. Application for condonation of delay is also disposed of. No order as to costs.


(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER


(DR. K.B. SURESH)
JUDICIAL MEMBER

दिनांक 2/4/16 के आदेशानुसार
मेरी उपस्थिति में दिनांक 9/6/16
को वर्ष-II का III वर्ष घोषित करा ।

अनुभग अधिकारी
केन्द्रीय प्रशासनिक अधिकरण
जोधपुर न्यायपीठ, जोधपुर