

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.432/2012

Jodhpur, this the 04th day of August, 2016

CORAM

Hon'ble Dr. Murtaza Ali, Judicial Member

Hon'ble Ms. Praveen Mahajan, Administrative Member

1. Tej Singh Bhati S/o Shri Banne Singh Bhati, aged about 34 years, R/o village & Post Chamu, Raj Sagar, Via Tiwari, District Jodhpur.
2. Pukhraj S/o Shri Gokul Ram, aged about 35 years, R/o Khedi Salwa, Puniyon ki Dani, Tehsil Pipad Shahar, District Jodhpur.
3. Pinkesh Bhati S/o Shri Satya Narayan Bhati, aged about 36 years, R/o Bhati Niwas, Plot No.100, 12th Pal Road, Masuriya, Jodhpur.

.....Applicants

Mr. Nishant Motsara, proxy for Mr. H.S. Shekhawat, counsel for applicants.

Versus

1. The Divisional Railway Manager, North Railway, Jodhpur.
2. The General Manager (P), Railway Coach Factory, Kapurthala, Punjab.
3. The Assistant Personnel Officer-I RFC/ Kapurthala (P), Railway Coach Factory, Kapurthala, Punjab.

.....respondents

Mr. Salil Trivedi, counsel for respondents.

ORDER (Oral)

Per Ms. Praveen Mahajani

Heard both the counsels for some time.

2. Learned counsel for the respondents, Shri Salil Trivedi, submits that the issue involved in this OA has already attained the finality by way of judgment

3. The learned counsel for the applicants explained that in the instant OA the grievance of the applicants is against the condition of the employment notice in the advertisement issued by the respondents by which only candidates who passed out after technical training from Railway Coach Factory Kapurthala are to be considered eligible for the post of substitutes in group 'D' posts. In other words the employment as substitutes, of the applicant who had completed their apprenticeship from Carriage Repair Workshop, North Railway, Jodhpur were deprived from being considered for appointment on the post of substitutes and others at the Railway Coach Factory Kapurthala. As per the applicants, this action of respondents is discriminatory and violative of Articles 14 & 16 of the Constitution of India.

4. The respondents filed a detailed reply giving reasons as to why the selection had to be restricted on a localized basis. It was contended that since the applicants have secured their training under Apprentice Act 1961 from Carriage Repairing Workshop North Railway, Jodhpur, Rajasthan, hence they are to be kept in the seniority list of that area only. Their seniority cannot be counted in RCF Kapurthala. In other words, a person having taken training from RCF, Kapurthala cannot be said to be equipped to work in Carriage Repair Workshop, Jodhpur or vice-versa.


5. Learned counsel for the respondents stated that the issued involved in this OA stands settled by the Central Administrative Tribunal, Chandigarh Bench vide its judgment dated 11.03.2014 passed in OA No.935/PB/2013 and


"10. It appears from the above that the issue regarding consideration of Course Completed Act Apprentices institution-wise for appointment as substitutes in the Railways is already settled. Since Seniority is to be maintained institute-wise, it is self-evident that the selection of substitutes to be appointed at a particular unit, would take place from amongst the Course Completed Act Apprentices of that unit, and those from other units could not have equal claim in the matter, if candidates from the unit selecting such substitutes were to be available for consideration/ selection in accordance with the rules."...

6. In the case of *U.P. State Road Transport Corporation v. U.P. Parivahan Nigam Shishuks Berozgar Sangh & Ors*, reported in 1995 (5) SC, 367, the Hon'ble Supreme Court has observed in direction No.12 (4) that "*the concerned training institute would maintain a list of the persons trained year-wise.*" It is thus apparent that the seniority list is to be maintained by the Institute on a year-wise basis. That can only be done in the Institute from where the applicants get trained.

7. Learned counsel for the applicant also concedes that the issue in this OA is similar to the one addressed by the CAT Chandigarh Bench vide order dated 11.03.2014 in OA No.935/PB/2013 (*Manish Mathur & others. v. Union of India & others*).

8. Looking to the above facts and circumstances of the case, there is no cause of action left for us to intervene in this OA. Accordingly, the OA is disposed off. No order as to costs.


[Praveen Mahajan]
Administrative Member


[Dr. Murtaza Ali]
Judicial Member