

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

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Original Application No. 146/90

R.K.Shukla and others

Applicant

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C.Srivastava, V.C.

Hon. Mr. K. Odayya, Adm. Member.

(Hon. Mr. Justice U.C.Srivastava, V.C.)

The instant application is directed against the formation of panel of 149 temporary Khalasis in the grade of Rs 750-940(RPS) on 2.2.1990 and the ~~xxxx~~ exclusion of the applicant from the said panel in contravention of the order passed by the Hon'ble Supreme Court dated 8.9.1988 and the interim order of this Tribunal dated 27.9.1989. As the application for panel was invited and the applicant applied for the same, and thereafter, panel was prepared on 22.5.84 and the same was cancelled on 3.1.85 without any notice. Another notice was issued inviting the applications. Some of the applicants filed writ petition before High Court Allahabad and some of them filed applications before the Tribunal and they (writ petitions) were transferred to this Tribunal. On 5.5.86, yet another notification was issued for panel of 250 Khalasis. In O.A. 84/89 which was also filed challenging the selection a direction was given by the Tribunal that 81 posts

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of Khalasis shall remain unfilled. The interim order was vacated on 2.2.90 and on that date a panel of 149 persons selected as Temporary Khalasis in the grade of Rs 750-940(RPS) was announced in which the applicants were not called. The applicants have challenged the same praying that the panel dated 2.2.90 be quashed and the respondents be directed to appoint them on the post of Khalasis on the basis of their selection and empanelment dated 22.5.1984 as per orders of the Hon'ble Supreme Court dated 8.9.1988.

2. The respondents have opposed the application and have admitted that in the case of Dharmendra Nigam matter went upto Supreme Court and the Supreme Court issued the following directions:

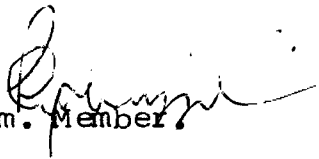
"We direct the Railway Authorities to treat the appellants as claimed by them and then consider them along with the other applicants, if any, belonging to the same category as the appellants and having similar preferential claim, and pass appropriate orders of appointment in the existing vacancies expeditiously preferably within two months from today."


Even after the above directions of the Supreme Court also in that case observed that bar of age will not be against any of the applicants. It was thereafter

according to the respondents applications were invited for fresh panel and in another case, C.A. No. 116/90 Akhilesh Singh vs. Union of India and others decided on 14.7.92, after taking into consideration the above case of Supreme Court we made the following observations:

"We make it clear that the applicant shall also be given appointment as and when vacancy arises in accordance with the seniority and the fact that the applicant has become over age and that the applicant has not been a party to any application earlier, will not stand in his way. With these observations, the application stands disposed of finally. In case any vacancy exists, the applicant will be given appointment against the existing vacancy. No order as to costs."

The above observation made in that case will apply in the present case also. No order as to costs.


Adm. Member.


Vice Chairman.

Shakeel/-

Lucknow: Dated 7.1.93