

**Central Administrative Tribunal**

**Lucknow Bench Lucknow**

*02. 201/08*

**M.P.No.1105/2008**

**In**

**Diary No.1099/2008**

**In**

**Original Application No. /2008**

**This, the 03<sup>rd</sup> day of June 2008**

**HON'BLE MR SHANKAR PRASAD, MEMBER (A).**

**HON'BLE MR M. KANTHAIAH, MEMBER (J).**

1. Manoj Kumar Srivastava aged about 42 yeas son of Sri Lalak Prasad Srivastava resident of Lakal Niwas 204, Radha Kund Gonda.
2. Rajesh Kumar aged about 38 years son of Sri Bhagwati Prasad resident of village Ranipurwa, Janki Nagar, District Gonda.
3. Ram Jujharat aged about 42 years son of Sri Asha Ram resident of 1238, Awas Vihar Colony, Gonda.

Applicant.

**By Advocate:- Shri K.R. Ahirwar.**

Versus

1. Union of India though General Manage, North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, North Eastern Railway, 5 Ashok Marg, Lucknow.
3. Senior Divisional Personnel Officer, North Eastern Railway, 5 Ashok Marg, Lucknow.
4. Senior Divisional Mechanical Engineer (Diesel), North Eastern Railway, Gonda.

... Respondents.

**By Advocate:- Shri S. Lawania.**

**ORDER**  
**BY MR SHANKAR PRASAD, MEMBER (A).**

All the three applicants have been declared successful in the written test for the post of Junior Engineer (Electrical) under the respondents. Their grievance is that they have not been sent for training on the pretext that a clarification has been sought for as to whether reservation for OBC<sup>§</sup> is applicable in case of such selection. It is further contended that on the other hand the selection from departmental quota has taken place and on account of such inaction, even if subsequently appointed they would become junior to these persons. As the applicants have common cause, they are allowed to pursue their case jointly. M.P. is allowed. Regular O.A. No. be given to the OA.

2. We have heard the learned counsels.
3. We find that the selection has not proceeded further, as there is a doubt as to whether the reservation for OBC is applicable in such selection. This Tribunal exercises powers of judicial review & it is for railway administration to first take a decision in the matter.
4. After hearing counsel for the parties, we dispose of this OA by giving a direction to Respondent No.1 i.e. General Manager, North Eastern Railway, Gorakhpur to clarify this matter within one month from the date of receipt of the copy of this order and we expect that the divisional authority shall finalise the selection within one month thereafter, No costs.

  
**(M. KANTHAIAH)**  
**Member (J)**  
*03.06.2008*

/amit/

  
**(SHANKAR PRASAD)**  
**Member (A)**