

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCHO.A.NO.: 319 OF 2006[Patna, this Thursday, the 22nd Day of February, 2007]C O R A M

HON'BLE MS. SADHNA SRIVASTAVA, MEMBER [JUDL.]

HON'BLE MR. AMIT KUSHARI, MEMBER [ADMN.]

1. Hare Krishna Kumar, son of Late Ram Padarath, resident of village – Desari, P.O. & P.S.: Desari, Distt. : Vaishali.
2. Mahendra Ray, son of Late Mewalal Rai, resident of village – Mahanpur, P.S.: Bidupur, Distt.: vaishali. APPLICANTS.

By Advocate :- Shri M.P.Dixit.
Shri S.K.Dixit.

Vs.

1. The Union of India through General Manager, East Central Railway, Hazipur.
2. The General Manager [P], East-Central Railway, Hazipur.
3. The Division Railway Manager, East-Central Railway, Sonepur.
4. The Sr. D.P.O., East-Central Railway, Sonepur.
5. The Sr. D.P.O., East -Central Railway, Sonepur. RESPONDENTS.

By Advocate :- N o n e.

O R D E R [ORAL]

Sadhna Srivastava, M[J] :- The applicants' request to pursue the matter jointly as the reliefs claimed by both the applicants are similar, is allowed.

2. Aggrieved by the order dated 23.02.2006 [Annexure-A/4] and order dated 18/20.04.2006 [Annexure-A/5] whereby the applicants have been reverted from the post of Station Manager to the post of Pointsman [3050 – 4590] they have filed the present OA and pray for quashing of both the orders.



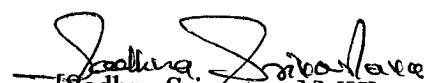
3. The facts, in brief, are that both the applicants were selected for the post of Asstt. Station Master. They were posted as Asstt. Station Master on 30.03.1998. Further they have been promoted to the post of Station Master/Station Manager [Rs.5500 – 9000] w.e.f. 01.11.2003. One Jitendra Kr. Rai, another Pointsman filed an OA before this Bench of the Tribunal challenging the selection of the applicants. In that application the present applicants were shown as private respondents. The OA was disposed of with the direction to the General Manager, E.C.Railway to take a decision and pass a speaking order within a period of four months. Pursuant to the aforesaid direction the General Manager [i.e., the respondent no.2] has passed the order dated 23.02.2006. Aggrieved by the aforesaid order one Prem Nath Ram has filed an OA 308 of 2006 which was dismissed by this Tribunal on 29.08.2006. Aggrieved by the aforesaid order the applicant, Prem Nath Ram has filed a review application no. 46 of 2006 which has also been dismissed on 15.02.2007. Shri M.P.Dixit, the learned counsel has produced the order passed in OA 308 of 2006 dated 29.08.2006.

4. We have heard the learned counsel for the applicant and gone through the pleadings. The controversy involved in this case has already been answered by this Tribunal in OA 308 of 2006, decided on 29.08.2006. We do not find any reason to disagree with the reasons recorded in the said order. We have also gone carefully the order passed by the General Manager, dated 23.02.2006 [Annexure-A/4] passed in pursuance of the direction given by this Tribunal in OA 489 of 1999. The said impugned order is a reasoned and speaking order. It has been brought out therein that three posts of Asstt.

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Station Master were filled up by the respondents contrary to the direction of the Railway Board. The offer of appointment to the three applicants were found irregular and unjustified. The Division Bench of this Tribunal in OA 308 of 2006 agreeing with the reasons recorded by the General Manager [respondent no.2] declined to interfere with the reversion order of the then applicant, namely, Prem Nath Ram. It is relevant to mention here that there is one composite order of reversion in respect of said Prem Nath Ram and two applicants of instant case. The grounds of the reversion is the same i.e., irregular selection contrary to instructions issued by the Railway Board. Thus, the applicants stand on the same footing. No fresh grounds exist for us to reconsider and uphold the selection of the applicants to the post of Asstt. Station Master.

Consequently, there is no ground to interfere with the reversion order. Resultantly, the OA is dismissed without any order as to costs.


[Amit Kushari]/M[A]
[Sadhna Srivastava]/M[J]

skj.