

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 882/2000⁹⁹

DATE OF DECISION: 29/5/2000

_____ Madhya Railway Sthaniya _____ Applicant.
Lokadhikaar Samittee

Shri S.V.Marne

----- Advocate for
Applicant.

Versus

Union of India & 2 Ors.

----- Respondents.

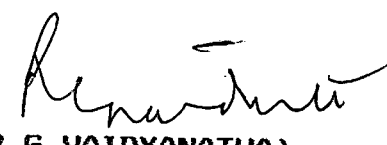
Shri S.C.Dhawan

----- Advocate for
Respondents.

CORAM:

Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.
Hon'ble Shri D.S.Baweja, Member (A)

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to
other Benches of the Tribunal?
3. Library.


(R.G. VAIDYANATHA)
VICE CHAIRMAN

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 882/cg
ORIGINAL APPLICATION: 322/2000
DATED THE 29th DAY OF MAY, 2000

CORAM: HON'BLE SHRI JUSTICE R.G. VAIDYANATHA, VICE CHAIRMAN
HON'BLE SHRI D.S. BANEJA, MEMBER(A)

Madhya Railway Sthaniya
Lokadhikar Samittee

Having its Office at
Pune Railway Station,
Platform No.1,
Pune 411 001.

Through
Shri Mohan Dudhane
The Chief of Pune Division
of the Union

2. Shri Rakesh Pandurang
Badekar
Residing at
Railway Quarter Chawl,
K-179, Near Rly Station,
Pune - 411 001.

... Applicant.

By Advocate Shri S.V. Marne

V/s.

1. The Union of India, through
The General Manager,
Central Railway,
Mumbai CST,
Mumbai - 400 001.

2. The Divisional Railway Manager,
Pune Division,
Central Railway,
Pune - 411 001.

3. The Divisional Railway Manager,
Central Railway,
Mumbai Division,
Mumbai CST.

... Respondents

By Advocate Shri S.C. Dhawan.

...2.



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(ORAL) (ORDER)

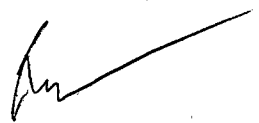
Per Shri Justice R.G.Vaidyanatha, Vice Chairman.

This is an application filed for quashing the notification dated 29/12/98 to the extent of prescribing educational qualification and for other consequential directions. Respondents have filed reply opposing the applicant. Since the point involved is a short point and covered by earlier judgement of this Tribunal, the OA is being disposed of at the Admission Stage.

2. We have heard Shri S.V.Marne, Counsel for Applicant and Shri S.C.Dhawan, Counsel for Respondents regarding admission and interim relief.

3. The applicants grievance is that they had applied for the post in question but have not been considered by Railway Administration as they did not have ITI with NCTVT Certificate. The question has been considered by Division Bench of this Tribunal to which one of us was a party (Shri R.G.Vaidyanatha) in 509/99 where by judgement dated 14/12/99 this Tribunal has held that the Railway Administration cannot prescribe any other Recruitment rules. The Division Bench has noticed that as per Recruitment rules pass in 8th standard was minimum qualification and therefore the Administration cannot fix any higher qualification for the said post. However, since appointments had already been made, it would not be proper to upset such appointments as observed by Supreme Court. But the Division Bench gave a direction that the remaining 25

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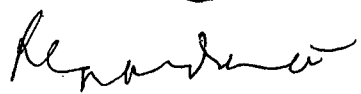


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vacancies should be filled as per qualifications mentioned in the Recruitment Rules namely "pass in 8th standard" and it is further observed that this direction is without prejudice to the Railway Administration to relax the rules, if any and pass appropriate orders as observed in the course of the judgement.

4. In the result, the OA is disposed of at Admission Stage with a direction to respondents to fill up the remaining 25 vacancies in question in pursuance of notification dated 29/12/98 as per directions given by this Tribunal dated 14/12/99 in OA-509/99. In the circumstances of the case, there will be no orders as to costs.


(D.S. BAWEJA)
MEMBER (A)


(R.G. VAIDYANATHA)
VICE CHAIRMAN

abp.