

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH : JAIPUR

Date of order : 26.05.2000

1. R.A. No. 01/1997

in

M.A. No. 184/1996

in

T.A. No. 192/1992

1. Union of India through General Manager, Western Railway, Church Gate, Bombay.
2. Dy. Chief Mechanical Engineer (Loco Workshops), Ajmer.
3. Dy. Chief Mechanical Engineer / Carrier & Wagon, Ajmer.

... Applicants (Respondents in T.A.).

versus

1. Harish Chand S/o. Shri Hemaji.
2. Anoop Sharma son of Shri Ram Chandra.
3. Gouri Shanker son of Shri Sohan Lal.
4. Ashok Kumar son of Shri Daulat Ram.
5. Chatur Singh son of Shri Dharam Singh.
6. Rajendra Kumar son of Shri Daulat Ram.
7. Bhairon Singh son of Shri Uday Singh.
8. amar Chand son of Shri Munna Lal.
9. Sohan Lal son of Shri Hanuman Lal.
10. Ramesh Kumar Sharma son of Shri Mohan Lal.
11. Bali Ram son of Shri Hatila Ram.
12. Kishan Lal son of Shri peeru Ram.
13. Dhan Singh son of Shri Bhouri Lal
14. Ramesh Chand son of Shri Ramswaroop.
15. Ganpat Kumar son of Shri Ram Lal.
15. Ganpat Kumar son of Shri Ram Lal.
16. Earnest C. Lee son of Shri E.H. Lee.
17. Bhajan Lal son of Shri Harish Chand.
18. Chairan Singh son of Shri Devi Singh.
19. Arjun Singh son of Shri Buddha Ram.
20. Sarwan Kumar son of Shri Moti Lal.
21. Mahesh Chand son of Shri Chotey Lal -

All C/o. Shri P.D. Khanna, Advocate, Lakan Kothari, Ajmer.

... Respondents (Applicants in T.A.)

2. R.A. No. 02/1997

in

M.A. No. 183/1996

in

T.A. No. 171/1992

1. Union of India through General Manager, Western Railway,
Churchgate, Bombay.

2. Dy. Chief Mechanical Engineer (Loco Workshops), Ajmer.

3. Dy. Chief Mechanical Engineer / Carriage & Wagon, Ajmer.

... Applicants (Respondents in T.A.)

versus

1. Shiv Lal son of Shri Ram Chandra.

2. Shyam Lal son of Shri Lala Ram.

3. Bhagwan Das son of Shri Ganga Ram.

4. Hari Singh son of Shri Tejaji.

5. Pushkar Narain son of Shri Suraj.

6. Durga Prasad son of Shri Jai Chand.

... Respondents (Applicants in T.A.)

Mr. Manish Bhandari, Counsel for the applicants.

Mr. P.D. Khanna, Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman.

Hon'ble Mr. N.P. Nawani, Administrative Member.

: O R D E R :

(Per Hon'ble Mr. Justice B.S. Raikote)

In these two Review Applications, common question of facts and law arise, hence we are disposing them of by this common order.

2. These two review applications are filed against the orders passed by this Tribunal on 3.12.96 in M.A. Nos. 183/96 and 184/96 by which the permission sought by the department for issuing appointment orders to the concerned applicants in obedience of the orders of this Tribunal dated 4.5.94 passed in T.A. Nos. 171/92 and 192/92, has been rejected.

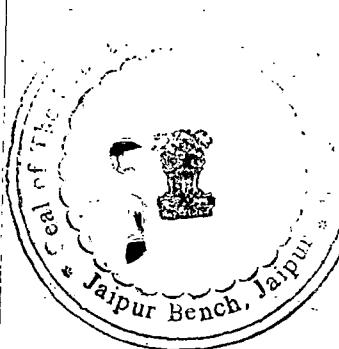
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3. From the material placed before us, we find that against the orders passed in T.A. Nos. 171/92 and 192/92, earlier two R.As No. 59/94 (in T.A. No. 192/92) and R.A. No. 60/94 (in T.A. No. 171/92) were filed. In these RAs, this Tribunal directed the respondents to give appointments to the applicants as Group 'D' employees within a period of 30 days from the date of that order (10.10.95), subject to their being found medically fit in the appropriate category after medical examination. It is also stated that if the applicants have got some age bar at that time, for Railway Service, that fact does not stand in the way of their appointments at this late stage. The respondents were further directed that the applicants shall be given appointments with effect from 24.5.1994 (the date of the original order in T.A. Nos. 171/92 and 192/92). However, they shall not be given any seniority above the persons who had already been given appointments in the intervening period and they shall be allowed notional benefit of fixation with effect from 24.5.94. For implementing those directions, M.A. Nos. 183/96 and 184/96 were filed by the Union of India & ors., seeking permission of this Tribunal to issue appointment orders to the applicants in different Divisions of the Western Railway where the posts are available. But those applications came to be dismissed vide order dated 3.12.1996. Hence the present review applications were filed.

4. In the affidavit filed in these R.As, the present applicants have stated as under:-

"3. That keeping in view the vacancy position in Ajmer Workshop, it is necessary that the Misc. Application for clarification may be given due cognizance and a positive order of clarification is required to be passed because it has a material effect on the case regarding its implementation. In view of the fact that the administration is not denying the appointment to the candidates. These candidates can be given initial appointments on other Divisions of Western Railway excepting the Ajmer Workshop so that the implementation of the judgement can be made immediately and effectively. Whenever, requirement of Group-D employees arises in Ajmer Workshop, the above mentioned candidates can be taken in Ajmer Workshop on transfer as per extant rules."

5. In paragraph 3, as extracted above, the department has shown their difficulty in issuing appointment orders to the applicants for Ajmer Workshop, but sought permission to issue offer of appointments to different Divisions of Western Railway. They have also given an undertaking that the applicants (in T.A.) will be posted in Ajmer Workshop as and when vacancy arises. In view of this kind of undertaking for implementing the order of this Tribunal, we think it appropriate that we may permit them to do so by modifying the orders of this Tribunal passed in M.A. Nos. 183/96 and 184/96. By appreciating the difficulties



pleaded by them, we think that they may be permitted to implement the original orders of this Tribunal passed in T.A. Nos. 171/92 and 192/92 with certain modifications stated as under:-

6. Accordingly, these two review applications are allowed. The respondents are permitted to implement the order of this Tribunal passed in T.A. Nos. 171/92 and 192/92 with the direction to appoint the applicants at the available posts firstly in Ajmer Division and thereafter, if no posts are available, they may appoint some of the applicants in some other Divisions. Those persons so appointed in some other Divisions may be posted back in Ajmer Division as and when vacancy arises, in terms of the undertaking as extracted above.

Sel/-
(N.P. NAWANI)
Adm. Member

Sel/-
(B.S. RAIKOTE)
Vice Chairman

CVR.

TRUE COPY ATTESTED

h/w
Section Officer (Judicial)
Central Administrative Tribunal
Jaipur Bench, JAIPUR

1/6/2000