

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 28/3/2002

OA 89/95

Nanu Ram Sharma, Vishwa Nath Sharma, N.D.Arora, Sohan Lal Sahu, R.S. Lal, Shamshuddin Khan, S.K. Chaturvedi and D.C. Verma, all working as TTI, W/Rly.

... Applicants

Versus

1. Union of India through Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. General Manager, W/Rly, Churchgate, Bombay.
3. Sr.Dvl.Commercial Manager (E), W/Rly, Kota.
4. Sh.R.P.Chaurasiya, TTI, W/Rly, Kota.
5. Sh.-Chobe Singh, TTI, W/Rly, Kota.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

For the Applicants ... Mr.Shiv Kumar

For Respondents No.4 & 5 ... Mr.R.N.Mathur

For Respondents No.1 to 3 ... None

O R D E R

PER HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

These eight applicants belong to the category of Travelling Ticket Inspectors (TTIs). The respondents had ordered a selection for promotion to the post of Chief Ticket Inspector (CTI) grade Rs.2000-3200, for which a notification dated 5.5.94 was issued. This notification



included the list of persons considered eligible for this selection and the same included the name of the applicants.

On 12.1.95, another letter was issued cancelling the earlier notification dated 5.5.94 and a new eligibility was drawn for the 17 vacancies to be filled up. This has affected the applicants adversely inasmuch as their names have been brought down in the order of seniority and Shri R.R.Chaurasiya and Shri Chobe Singh have been placed higher. The applicants have filed this OA challenging this revised notification and placement of Shri Chaurasiya and Shri Chobe Singh above them. The two, above named, have also been impleaded as party respondents in the OA.

2. A notice of the OA was sent to the respondents who have also filed a reply. The controversy in this case revolves around the fact whether the eligibility list should have been prepared by reckoning the seniority of the individuals as per the base grade seniority or as per entry into the grade i.e. scale Rs.1600-2660. Case of the applicants is built around the argument that the eligibility list can only be drawn on the basis of base grade seniority and they have termed the action of the respondents, cancelling the earlier notification and revising the eligibility list, as illegal and unwarranted.

3. When we heard this matter, there was none representing the official respondents. Learned counsel for respondents No.4 and 5, Shri R.N.Mathur, submitted that the



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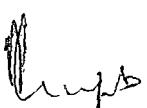
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controversy is arising out of the way the reservation policy is being applied for selection. It was fairly conceded by the learned counsel on either side that the interpretation given to the reservation policy is changing from time to time. Even after the legal position, which evolved after judgement of the Apex Court in the case of Ajit Singh Januja-II, an amendment to Article-16 of the Constitution was brought into effect restoring the position which existed prior to 10.2.95. It was also stated that in a case filed before Hon'ble the Supreme Court (the exact reference of which could not be cited by the parties present) the latest amendment to Article-16 has been stayed. However, it was agreed by the parties that this OA could be disposed of by giving a direction to the respondents to consider the case of the applicants and the private respondents in the light of the latest settled legal position. We have given our anxious consideration to this suggestion and also consider this as fair and just. In this case, interim orders were passed that if any selection to the post of Chief Ticket Inspector in the scale Rs.2000-3200 is made, it shall be subject to the outcome of this OA.

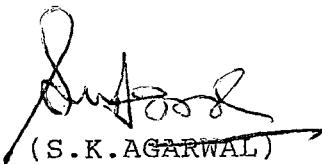
4. We, therefore, direct the respondents to re-examine the revised eligibility list issued vide notification dated 12.1.95 (Ann.A/1) within the framework of legal position which has emerged consequent to orders of the Apex Court in Ajit Singh Januja-II, followed by amendment to the Constitution, and any further directions of Hon'ble the

Supreme Court. If any revision in the eligibility list is called for, the same must be done within a period of two months from the date of communication of this order. The panel prepared as a result of finalisation of the selection under question shall be renewed within one month after revising the eligibility list, as per law. Those ~~excluded~~ who become eligible to be brought on the panel after this revision, shall be entitled to all consequential benefits.

5. The OA stands disposed of accordingly. Under the facts and circumstances of this case, no order as to costs.


(A.P. NAGRATH)

MEMBER (A)


(S.K. AGARWAL)

MEMBER (J)