

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 17.09.2014

OA No. 291/00504/2014

Mr. C.B. Sharma, counsel for applicants.

Heard learned counsel for the applicants.

The Original Application is disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar
(ANIL KUMAR)
ADMINISTRATIVE MEMBER

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00504/2014

Date of Order: 17.09.2014

CORAM

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

1. Manohar Lal S/o Shri Bhagwan Sahai, about 50 years, R/o 1282/17, behind Ushri Gate Police Chowki, Ajmer and presently working as Safawai Wala / Peon / Khallasi under Station Superintendent, Railway Station, Ajmer, North Western Railway, Ajmer Division, Ajmer.
2. Kuldeep S/o Shri Moti Lal, about 38 years, R/o Harijan Basti, Kalyanipura, Ward No. 45, Ajmer and presently working as Safawai Wala / Peon / Khallasi under Station Superintendent, Railway Station Ajmer, North Western Railway, Ajmer Division, Ajmer.

...Applicants

Mr. C.B. Sharma, counsel for applicants.

VERSUS

1. Union of India through General Manager, North Western Zone, North Western Railway, Jaipur – 302006.
2. Divisional Railway Manager, North Western Railway, Ajmer Division, Ajmer.
3. Manoj Kumar S/o Shri Ramottar Prasad, PP at Station RPZ, and under training of Commercial Clerk C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.
4. Rama Shankar S/o Shri Virendra Kumar, PP at Station RPZ, and under training of Commercial Clerk, C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.
5. Prakash Soni S/o Shri Kishan Lal, PP at Station RPI, and under training of Commercial Clerk, C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.
6. Birendra Kumar S/o Shri Kapil Dev, PP at Station BHWA, and under training of Ticker Examiner, C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.
7. Tulsiram S/o Shri Heera Ram, PM at Station JAL, Ajmer and under training of Ticket Examiner, C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.
8. Bhupendra Kumar S/o Shri Om Prakash, PP at Station RLR, and under training of Ticket Examiner, C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.
9. Chanda Lal Aheer S/o Shri Mangi Lal, PP at Station NSD, and under training of Ticker Examiner, C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.

10. Deen Bandhu Rai S/o Shri Jaleshwar Rai, PP at Station RPZ, and under training of Ticket Examiner, C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.
11. Afroz Khan S/o Shri Abdul Hameed, PP at Station AII-C, and under training of Ticket Examiner, C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.
12. Jitendra Kumar S/o Shri Dukhharan, PP at Station RLR, and under training of Ticket Examiner, C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.
13. Devi Lal S/o Shri Sheraram, PP at Station BER, and under training of Ticket Examiner, C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.
14. Jimmi Arun S/o Shri Jan R, GM at Station HTD, and under training of Ticket Examiner, C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.
15. Subhash Chand Chahil S/o Shri Jagdish, PP at Station RLR, and under training of Ticket Examiner, C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.
16. Rakesh Kumar S/o Shri Deen Dayal, PP at Station DOZ, and under training of Ticket Examiner, C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.
17. Dhanni Ram S/o Shri Sohan Pal, PP at Station PMO, and under training of Ticket Examiner, C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.
18. Shankar Lal Regar S/o Shri Badri Lal, PP at Station MDPA, and under training of Ticket Examiner, C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.
19. Nishant Doi S/o Shri Subhash Doi, PP at Station PII-C, and under training of Ticket Examiner, C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.
20. Tulsi Ram Meena S/o Shri Susa Ram, PP at Station SSR, and under training of Ticket Examiner, C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.
21. Veera Ram S/o Shri Babu Ram, GM at Station SOH, and under training of Ticket Examiner, C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.
22. Tara Ram S/o Shri Moti Ram Meena, PP at Station BGG, and under training of Ticket Examiner, C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.
23. Mukesh Kumar Meena S/o Shri Pala Ram, PP at Station, BGPR, and under training of Ticket Examiner, C/o Principal Zonal Railway Training School, Near Sukhadia Circle, Udaipur.

...Respondents

ORDER

Heard the learned counsel for the applicants.

2. The applicants have filed the present Original Application being aggrieved by the panel dated 05.08.2014 (Annexure A/1)

Amit Kumar

vide which selections have been made from the post of Group 'D' to the post of Ticket Examiner under Ranker Quota of 33 1/3% and also to the post of Ticket Examiner under Ranker Quota of 16 2/3% and similarly for the post of Assistant Commercial Clerk against Ranker Quota of 33 1/3% and 16 2/3% quota.

3. The grievance of the applicants is that under the Rankers Quota, the candidates, who had the qualification of matriculation or higher qualification, were also allowed to appear in the examination whereas the quota of 33 1/3% is meant for the employees having the qualification of non-matriculation. Learned counsel for the applicants further submitted that this Bench of the Tribunal vide order dated 12.05.2014 in **OA No. 195/2010 in the case of Jagdish Prasad Jatav vs. Union of India & Ors.** has already held that 33 1/3% quota is meant for non-matriculation and, therefore, the employees who have matriculation and above qualifications cannot compete in the examination held against this quota. However, the official respondents have again prepared the panel dated 05.08.2014 (Annexure A/1) ignoring the orders of this Bench of the Tribunal.

4. Learned counsel for the applicants also submitted that the panel in question has been prepared in the order of their merit whereas as per the Advance Correction Slip No. 155 of Indian Railway Establishment Manual, Volume-I, (1989 Edition), the panel is to be prepared on the basis of the seniority after the employees have passed in the qualifying examination.

Anil Kumar

5. Therefore, learned counsel for the applicants prayed that the panel dated 05.08.2014 (Annexure A/1) be quashed and set aside.

6. Learned counsel for the applicants submitted that the applicants have submitted representation dated 03.09.2014 (Annexure A/9), individually, to the official respondents against this panel.

7. Having considered the submissions of the learned counsel for the applicants, the official respondents are directed to consider and decide the representations given by the applicants dated 03.09.2014 (Annexure A/9) according to the provisions of law expeditiously but in any case not later than a period of two months from the date of receipt of a copy of this order by way of passing a reasoned and speaking order. The order passed by the official respondents, on the representations of the applicants, shall be served on the applicants by the official respondents. The applicants are directed to receive the copy of the order passed by the official respondents whenever it is served on them.

8. In the interest of justice, the official respondents are directed not to give effect to the panel dated 05.08.2014 (Annexure A/1) till the disposal of the representations of the applicants by the official respondents.

9. Learned counsel for the applicants submitted that the officials on the panel dated 05.08.2014 have been sent on training.

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However, they have not been given any posting so far. It is made clear that those who have been sent on training shall be allowed to complete their training but after the training, they shall not be given any posting on the promoted posts. There will be no bar on their continuing on their original posts from which they are likely to be promoted. The respondents are restrained from giving the posting orders to the officials who are on the panel dated 05.08.2014, even after 15 days from the date of receipt of the orders by the applicants, to be passed by the official respondents on their representations.

10. The applicants are directed to supply a complete copy of the paper book / O.A. to the respondents along a copy of this order.

11. The applicants are at liberty to file a substantive O.A., if they are aggrieved by the decision taken by the official respondents on their representations.

12. With these observations and directions, the present Original Application is disposed of with no order as to costs.

Anil Kumar
(ANIL KUMAR)
ADMINISTRATIVE MEMBER

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