CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

OA NOS. 291/00426/2015, 291/00427/2015, 291/00430/2015, 291/00435/2015, 291/00436/2015, 291/00437/2015, 291/00438/2015, 291/00439/2015, 291/00440/2015, 291/00441/2015, 291/00442/2015, 291/00443/2015, 291/00445/2015, 291/00446/2015, 291/00447/2015, 291/00448/2015, 291/00449/2015, 291/00450/2015, 291/00451/2015, 291/00452/2015, 291/00453/2015, 291/00454/2015, 291/00455/2015, 291/00456/2015, 291/00457/2015, 291/00458/2015, 291/00459/2015, 291/00460/2015, 291/00466/2015, 291/00467/2015, 291/00468/2015, 291/00469/2015, 291/00470/2015, 291/00471/2015, 291/00472/2015, 291/00473/2015, 291/00474/2015, 291/00484/2015, 291/00485/2015, 291/00486/2015, 291/00504/2015, 291/00513/2015, 291/00514/2015, 291/00515/2015, 291/00516/2015, 291/00517/2015, 291/00525/2015, 291/00540/2015, 291/00560/2015, 291/00561/2015, 291/00590/2015, 291/00610/2015, 291/00611/2015, 291/00616/2015 & 291/00633/2015

ORDER RESERVED ON: 31.03.2016

DATE OF ORDER: 01.06.2016

CORAM

HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER

(1) ORIGINAL APPLICATION NO. 291/00426/2015

Aman Sharma S/o Shri Shashi Kant Sharma, aged about 24 years, R/o House No. 278, Ashirwad Marg, Saraswati Colony, Khedli Phatak, Kota.

....Applicant

Mr. Sunil Samdaria, counsel for applicant.

VERSUS

1. Union of India through its Secretary, Ministry of Railways, Govt. of India, Rail Bhawan, New Delhi.
2. Railway Recruitment Board, Ajmer through its Chairman, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(2) ORIGINAL APPLICATION NO. 291/00427/2015

Teena Raiger S/o Sh. Sohan Lal Raiger, aged 25 years, R/o Chorsiyawas Road, Madahav Nagar, Lane No. 3, Vaishali Nagar, Ajmer.

....Applicant

Mr. Sunil Samdaria, counsel for applicant.

VERSUS

1. Union of India through its Secretary, Ministry of Railways, Govt. of India, Rail Bhawan, New Delhi.

2. Railway Recruitment Board, Ajmer through its Chairman, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(3) ORIGINAL APPLICATION NO. 291/00430/2015

Deepak Saini S/o Shri Kailash Chand Malakar, aged 23 years, Caste Mali (OBC), R/o Quarter No. 31/A, Railway Colony, Madanganj Kishangarh, District Ajmer.

....Applicant

Mr. S.K. Saksena, counsel for applicant.

VERSUS

Union of India through the Chairman, Railway Recruitment Board, 2010, Nehru Marg, Ambedkar Circle, Ajmer.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(4) ORIGINAL APPLICATION NO. 291/00435/2015

Ajay Singh Rawat S/o Sh. Karan Singh Rawat, aged 26 years, R/o Karpal Nagr, Kalyani Pura Road, Gulabbari, Ajmer

....Applicant

Mr. Sunil Samdaria, counsel for applicant.

VERSUS

1. Union of India through its Secretary, Ministry of Railways, Govt. of India, Rail Bhawan, New Delhi.

2. Railway Recruitment Board, Ajmer through its Chairman, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(5) ORIGINAL APPLICATION NO. 291/00436/2015

Akansh Vaishnav S/o Nathu Lal Vaishnav, aged 25 years, R/o Dwarka Nagar, Gali No. 1, Chorsiyawas Road, Ajmer.

....Applicant

Mr. Sunil Samdaria, counsel for applicant.

VERSUS

1. Union of India through its Secretary, Ministry of Railways, Govt. of India, Rail Bhawan, New Delhi.

2. Railway Recruitment Board, Ajmer through its Chairman, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(6) ORIGINAL APPLICATION NO. 291/00437/2015

Vijendra Singh Rawat S/o Sh. Panna Singh Rawat, aged 26 years, R/o House No. 238, Street No. 4, Panchwati Colony, Adarsh Nagar, Ajmer Railway Station, Ajmer.

....Applicant

Mr. Sunil Samdaria, counsel for applicant.

VERSUS

1. Union of India through its Secretary, Ministry of Railways, Govt. of India, Rail Bhawan, New Delhi.

2. Railway Recruitment Board, Ajmer through its Chairman, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(7) ORIGINAL APPLICATION NO. 291/00438/2015

Nitesh Mishra S/o Sh. Durgesh Mishra, aged 26 years, R/o A-346, Chandarvardhai Nagar, Ajmer.

....Applicant

Mr. Sunil Samdaria, counsel for applicant.

VERSUS

1. Union of India through its Secretary, Ministry of Railways, Govt. of India, Rail Bhawan, New Delhi.

2. Railway Recruitment Board, Ajmer through its Chairman, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(8) ORIGINAL APPLICATION NO. 291/00439/2015

Tushar Godha S/o Sh. Ram Karan Godha, aged 32 years, House No. 283/39, Jawahar Colony, Parbat Pura Bye Pass, Ajmer.

....Applicant

Mr. Sunil Samdaria, counsel for applicant.

VERSUS

1. Union of India through its Secretary, Ministry of Railways, Govt. of India, Rail Bhawan, New Delhi.

2. Railway Recruitment Board, Ajmer through its Chairman, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(9) ORIGINAL APPLICATION NO. 291/00440/2015

Raj Kumar S/o Trlok Chand, aged 24 years, R/o Village Pathan, Via Khodi Bari, Sikar - 332 315.

....Applicant

Mr. Sunil Samdaria, counsel for applicant.

VERSUS

1. Union of India through its Secretary, Ministry of Railways, Govt. of India, Rail Bhawan, New Delhi.

2. Railway Recruitment Board, Ajmer through its Chairman, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(10) ORIGINAL APPLICATION NO. 291/00441/2015

Jitendra Kumar Prajapat S/o Kana Ram Prajapat, aged 28 years, R/o Village and Post Boraj, Tehsil Mojmabad, District Jaipur

....Applicant

Mr. Sunil Samdaria, counsel for applicant.

VERSUS

1. Union of India through its Secretary, Ministry of Railways, Govt. of India, Rail Bhawan, New Delhi.

2. Railway Recruitment Board, Ajmer through its Chairman, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(11) ORIGINAL APPLICATION NO. 291/00442/2015

Rahul Kumawat S/o Sh. Rajendra Shankar Kymawat, aged 24 years, Moriya Doongari, Shri Nagar, Ajmer.

....Applicant

Mr. Sunil Samdaria, counsel for applicant.

VERSUS

1. Union of India through its Secretary, Ministry of Railways, Govt. of India, Rail Bhawan, New Delhi.

2. Railway Recruitment Board, Ajmer through its Chairman, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(12) ORIGINAL APPLICATION NO. 291/00443/2015

Ankit Kumar Taylor S/o Sh. Mahaveer Prasad Taylor, aged 25 years, Ward No. 8, Jamadaro Ka Mohalla Uniayara, Tonk.

....Applicant

Mr. Sunil Samdaria, counsel for applicant.

VERSUS

1. Union of India through its Secretary, Ministry of Railways, Govt. of India, Rail Bhawan, New Delhi.

2. Railway Recruitment Board, Ajmer through its Chairman, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(13) ORIGINAL APPLICATION NO. 291/00445/2015

Arun Kumar Yadav S/o Sh. Ramcharan Yadav, aged about 32 years, R/o House No. 1, Som Villa, Shiv Colony, Kundan Nagar, Ajmer.

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(14) ORIGINAL APPLICATION NO. 291/00446/2015

Yash Mishra S/o Ramakant Mishra, aged about 24 years, R/o House No. 760/28, First Lane, Bihari Ganj, Ajmer (Raj.).

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(15) ORIGINAL APPLICATION NO. 291/00447/2015

Pawan Garg S/o Sh. Devkinandan, aged about 24 years, R/o 67/231, Sector 6, Pratap Nagar, Sanganer, Jaipur.

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(16) ORIGINAL APPLICATION NO. 291/00448/2015

Pradeep Dhakar S/o Sh. Harikishan Dhakar, aged about 26 years, R/o Vill. & Post Bagore, Tehsil Nadoti, District Karauli.

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(17) ORIGINAL APPLICATION NO. 291/00449/2015

Sunil Kumar Meena S/o Sh. Hukam Chand Meena, aged about 28 years, R/o House No. 115/ Near Gopal Vihar, Near Bajrang Nagar, Kota.

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(18) ORIGINAL APPLICATION NO. 291/00450/2015

Pradeep Singh Shekhawat S/o Sh. Kartar Singh Shekhawat, aged about 26 years, R/o House No. 520, Ward No. 21, Durga Colony, Sikar.

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railways, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(19) ORIGINAL APPLICATION NO. 291/00451/2015

Kailash Chand Koli S/o Sh. Chiranji Lal Koli, aged about 25 years, R/o Vill. & Post Malakhera, Teh. Malakhera, District Alwar.

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(20) ORIGINAL APPLICATION NO. 291/00452/2015

Narendra Kumar S/o Sh. Khushi Ram, aged about 26 years, R/o V.P.O. Khedidevi Singh, P.O Khedidevi Singh, City Nadbai, Bharatpur (Rajasthan).

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railways, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(21) ORIGINAL APPLICATION NO. 291/00453/2015

Amarnath Sharma S/o Sh. Shivanand Sharma, aged about 22 years, R/o Near New Sabji Mandi, Ward No. 17, House No. 54, Bandikui, District Dausa.

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(22) ORIGINAL APPLICATION NO. 291/00454/2015

Vinod Kumar Jangir S/o Sh. Bihari Lal Sharma, aged about 27 years, R/o 551/28, Angira Nagar, Nasirabad Road, Ajmer.

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(23) ORIGINAL APPLICATION NO. 291/00455/2015

Vinod Kumar Dhayal S/o Sh. Gopal Singh Dhayal, aged about 25 years, R/o Bhawanipura, Shrimadhopur, District Sikar.

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(24) ORIGINAL APPLICATION NO. 291/00456/2015

Umesh Kumar S/o Sh. Lila Ram Prajapat, aged about 23 years, R/o House No. 32, Near St. James School, Behind TA Camp, Ganpati Nagar, Kota.

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(25) ORIGINAL APPLICATION NO. 291/00457/2015

Gyanendra Singh S/o Ghamandi Singh, aged about 27 years, R/o Near Lohagarh School, Surajmal Nagar, Bharatpur.

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(26) ORIGINAL APPLICATION NO. 291/00458/2015

Sanjay Kumar Gupta S/o Sh. Hariom Gupta, aged about 27 years, R/o 54, Sunder Nagar, Behind Hare Krishna Garden, Mangayawas Road, Jaipur.

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(27) ORIGINAL APPLICATION NO. 291/00459/2015

Sumit Kumar Sharma S/o Sh. Prakash Chand Sharma, aged about 27 years, R/o Vill. Chandpur, Post Bahtukalan, Teh. Kathumar, District Alwar.

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(28) ORIGINAL APPLICATION NO. 291/00460/2015

Omprakash Chaudhary S/o Sh. Ramesh Chand Chaudhary, aged about 25 years, R/o Vill. & Post Kalsara, Teh. Malakhera, District Alwar.

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(29) ORIGINAL APPLICATION NO. 291/00466/2015

Sudhir Singh S/o Sh. Bhupendra Singh, aged about 29 years, R/o House No. 1, Chhothu Ram Park, Gali No. 7, Jhajjhar Road, Bahadurgarh, Hariyana.

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(30) ORIGINAL APPLICATION NO. 291/00467/2015

Satish Chand Meena S/o Sh. Roop Singh Meena, aged about 25 years, R/o Village Ulupura, P.O. Kamalpura, Weir, Bharatpur (Rajasthan).

....Applicant

Mr. M.S. Raghav, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(31) ORIGINAL APPLICATION NO. 291/00468/2015

Ram Kishan S/o Shri Gokul Ram Meena, aged about 25 years, R/o Vill. Malawat, P.O. Khohara Malawali, Tehsil Laxmangarh, Alwar (Rajasthan).

....Applicant

Mr. M.S. Raghav, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(32) ORIGINAL APPLICATION NO. 291/00469/2015

Anand Batar S/o Shri Lal Chand, aged about 23 years, R/o V.P.O. Batranau, Tehsil Laxmangarh, Sikar (Rajasthan).

....Applicant

Mr. M.S. Raghav, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(33) ORIGINAL APPLICATION NO. 291/00470/2015

Vijay Singh Meena S/o Shri Ram Khiladi Meena, aged about 24 years, R/o Vill. Shaharakar, Todabhim, Karauli (Rajasthan).

....Applicant

Mr. M.S. Raghav, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(34) ORIGINAL APPLICATION NO. 291/00471/2015

Satish Kumar S/o Shri Om Prakash, aged about 25 years, R/o Village Ralla, Post Umrara, Bulandshahar, Uttar Pradesh.

....Applicant

Mr. M.S. Raghav, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(35) ORIGINAL APPLICATION NO. 291/00472/2015

Arun Kumar Arya S/o Sh. Nakiram, aged about 25 years, R/o Village Sirora Slampura, Ghaziabad, Uttar Pradesh.

....Applicant

Mr. M.S. Raghav, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(36) ORIGINAL APPLICATION NO. 291/00473/2015

Vivek Kumar S/o Sh. Ram Pal, aged about 23 years, R/o Kachcha Tundla, Near Primary School, Tundla, P.O. Tundla, District Firozabad, Uttar Pradesh.

....Applicant

Mr. M.S. Raghav, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(37) ORIGINAL APPLICATION NO. 291/00474/2015

Vijay Kumar Pal S/o Sh. S.K. Pal, aged about 23 years, R/o Near New Railway Colony, Kachcha Tundla, P.O. Tundla, District Firozabad, Uttar Pradesh.

....Applicant

Mr. M.S. Raghav, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(38) ORIGINAL APPLICATION NO. 291/00484/2015

Priyadarshi Kumar S/o Sh. Omprakash, aged about 28 years, R/o C/o Surjit Singh, 6-C-15, Jawahar Nagar, Sriganganagar (Raj.).

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(39) ORIGINAL APPLICATION NO. 291/00485/2015

Virendra Tinker S/o Sh. Laxmi Narayan Tinker, aged about 27 years, R/o 11, Mahaveer Colony, Near Mahaveer Talkies, Abu Road (Raj.).

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(40) ORIGINAL APPLICATION NO. 291/00486/2015

1. Vikram Singh S/o Khoob Singh, aged 25 years, R/o Plot No. 351 D, A Block, Chandraverdai Nagar, Ajmer.
2. Amitendra S/o Madan Lal, aged 25 years, R/o V.P.O. Bhanot, Tehsil Mundawar, Alwar.
3. Vinod Marothiya S/o Behru Lal Marothiya, aged 25 years, R/o Bheru Colony, Gaddi Maliyan, Jons. Ganj, Ajmer.
4. Lokesh S/o Hari Ram Jat, aged 23 years, R/o V.P.O. Harsauli, Tehsil Kotkasim, Alwar.
5. Avadhesh Tailor S/o Sohan Lal Tailor, aged 21 years, R/o Near Senior Secondary School, Bapu Nagar, Raila, Bhilwara.
6. Dharmendra Singh Rawat S/o Shaitan Singh Rawat, aged 24 years, R/o Village Bhunabhai, Madar, Ajmer.

....Applicants

Mr. Rajesh Kapoor, counsel for applicants.

VERSUS

1. Union of India through the General Manager, North Western Railway, Jawahar Circle, Jaipur.

2. Chairman, Railway Recruitment Board (RRB), Ajmer.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(41) ORIGINAL APPLICATION NO. 291/00504/2015

Abhishek Kankani S/o Sh. Shyam Sundar Kankani, aged about 24 years, R/o Shubhlakshmi Fancy Store, Near Aasu Ki Chakki, Lohakhan Ajmer.

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(42) ORIGINAL APPLICATION NO. 291/00513/2015

Mohd. Aarif S/o Sh. Mohd. Inam, aged about 23 years, R/o 319, Moh-Sayyadan, Thana Bawan, District Samli, Uttar Pradesh.

....Applicant

Mr. M.S. Raghav, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(43) ORIGINAL APPLICATION NO. 291/00514/2015

Vinod Kumar S/o Sh. Jagdeesh Prasad, aged about 30 years, R/o Village Babri, District Samli, Uttar Pradesh.

....Applicant

Mr. M.S. Raghav, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(44) ORIGINAL APPLICATION NO. 291/00515/2015

Happy Devi D/o Sh. Ram Ganesh, aged about 21 years, R/o 5-A, Village Ratanpur, Post Panki, District Kanpur, Uttar Pradesh.

....Applicant

Mr. M.S. Raghav, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(45) ORIGINAL APPLICATION NO. 291/00516/2015

Amit Kumar Verma S/o Sh. Muneswar Chandra, aged about 23 years, R/o Usmanpur, Bara Banki, Uttar Pradesh.

....Applicant

Mr. M.S. Raghav, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(46) ORIGINAL APPLICATION NO. 291/00517/2015

Avinash S/o Sh. Lal Singh, aged about 26 years, R/o H.No. 1796, Nai Basti, Rewari, Haryana.

....Applicant

Mr. M.S. Raghav, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(47) ORIGINAL APPLICATION NO. 291/00525/2015

Rakesh Kumar S/o Sh. Mohan Lal, aged about 24 years, R/o House No. 409-D, Matagarh, Aburoad, Sirohi.

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(48) ORIGINAL APPLICATION NO. 291/00540/2015

Yogesh Sharma S/o Shri Babu Lal Sharma, aged 24 years, R/o Suraj Mal Nagar, Near Kendriya Vidayalaya, Bharatpur.

....Applicant

Mr. Sunil Samdaria, counsel for applicant.

VERSUS

1. Union of India through Secretary, Ministry of Railways-cum-Chairman Railway Board, Rail Bhawan, New Delhi.

2. Railway Recruitment Board, Ajmer through its Chairman, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(49) ORIGINAL APPLICATION NO. 291/00560/2015

Irfan Hussain S/o Mehmood Hussain, aged 25 years, R/o 25, Sahar Saray, Aabkari Road, Ratlam (M.P.).

....Applicant

Mr. Sunil Samdaria, counsel for applicant.

VERSUS

1. Union of India through Secretary, Ministry of Railways-cum-Chairman Railway Board, Rail Bhawan, New Delhi.

2. Railway Recruitment Board, Ajmer through its Chairman, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(50) ORIGINAL APPLICATION NO. 291/00561/2015

Mahendra Kumar Sharma S/o Sh. Anandi Lal Sharma, aged 28 years, R/o Near Railway Crossing, Jaipur – Jhunjhunu, National Highway Bye Pass, Village Dosar Ki Dhani, Post Gokulpura, District Sikar.

....Applicant

Mr. Sunil Samdaria, counsel for applicant.

VERSUS

1. Union of India through Secretary, Ministry of Railways-cum-Chairman Railway Board, Rail Bhawan, New Delhi.

2. Railway Recruitment Board, Ajmer through its Chairman, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(51) ORIGINAL APPLICATION NO. 291/00590/2015

Kamal Kishor S/o Lakshman Ram, aged 24 years, Shiv Colony, Tarkash Ki Bgichi, Pahar Ganj, Ajmer.

....Applicant

Mr. Sunil Samdaria, counsel for applicant.

VERSUS

1. Union of India through Secretary, Ministry of Railways-cum-Chairman Railway Board, Rail Bhawan, New Delhi.

2. Railway Recruitment Board, Ajmer through its Chairman, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(52) ORIGINAL APPLICATION NO. 291/00610/2015

Rupesh Kumar S/o Shri Rajender Singh, aged about 23 years, R/o V.P.O. Hudina, Tehsil Narnaul, District Mohindergarh, Haryana

....Applicant

Mr. M.S. Raghav, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(53) ORIGINAL APPLICATION NO. 291/00611/2015

Vishnu Singh Solanki S/o Sh. Rajveer Singh Solanki, aged about 23 years, R/o Mahu Ibrahimpur, Hindoun City, Karauli, Rajasthan.

....Applicant

Mr. Anurag Shukla, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Ministry of Railway, Jawahar Circle, Jaipur.

2. Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer – 305028 through its Asstt. Secretary.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(54) ORIGINAL APPLICATION NO. 291/00616/2015

Ajay Kumar Sain S/o Sh. Jai Singh Sain, aged about 24 years, R/o Village Bhoopseda, Tehsil Bansur, District Alwar.

....Applicant

Ms. Kavita Bhati, counsel for applicant.

VERSUS

Union of India through Chairman, Railway Recruitment Board, Ajmer, 2010 Nehru Marg, Ambedkar Circle, Ajmer.

....Respondents

Mr. Anupam Agarwal, counsel for respondents.

(55) ORIGINAL APPLICATION NO. 291/00633/2015

Atul Khare S/o Shri A.P. Khare, aged about 25 years, R/o HIG-33, Ganga Enclave, Indrapuram, Shamshabad Road, Agra (U.P.).

....Applicant

Mr. Vinod Kumar Gupta, counsel for applicant.

VERSUS

1. Union of India through its Secretary to the Government of India, Ministry of Railway, New Delhi – 110001.

2. Railway Recruitment Board, Ajmer through Secretary, 2010 Nehru Marg, Near Ambedkar Circle, Ajmer (Rajasthan).

3. Amity University Rajasthan, Kant Kalwar, NH-11C, Jaipur (Rajasthan).

....Respondents

Mr. Anupam Agarwal, counsel for respondent nos. 1 & 2.

ORDER

PER MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER

The aforesaid 55 Original Applications are being disposed of by a common order as the main issue for consideration common in all of them is regarding the educational qualification of the applicants and their eligibility

for the post of Assistant Loco Pilot (for short, ALP) as per Centralized Employment Notice No. 01/2014 (Annexure A/2 in OA No. 426/2015) of the Ministry of Railways, Railway Recruitment Boards.

2. However while the common issue for determining is the same in all the OAs, there are some differences of facts and other issues as enumerated below: -

(A). OA Nos. 291/00426/2015, 291/00427/2015, 291/00430/2015, 291/00435/2015, 291/00436/2015, 291/00437/2015, 291/00438/2015, 291/00439/2015, 291/00440/2015, 291/00441/2015, 291/00442/2015, 291/00443/2015, 291/00445/2015, 291/00446/2015, 291/00447/2015, 291/00448/2015, 291/00449/2015, 291/00450/2015, 291/00451/2015, 291/00452/2015, 291/00453/2015, 291/00454/2015, 291/00455/2015, 291/00456/2015, 291/00457/2015, 291/00458/2015, 291/00460/2015, 291/00466/2015, 291/00467/2015, 291/00468/2015, 291/00469/2015, 291/00470/2015, 291/00471/2015, 291/00472/2015, 291/00473/2015, 291/00474/2015, 291/00484/2015, 291/00485/2015, 291/00540/2015, 291/00560/2015, 291/00561/2015, 291/00610/2015, 291/00616/2015 & 291/00633/2015

In the aforesaid OAs, the applicants cleared the written and aptitude tests but they were not found eligible as per their educational qualifications and, therefore, their names were not included in the provisional select list dated 15.07.2015 (Annexure A/1 in OA No. 426/2015 issued by the RRB, Ajmer. In these OAs, the indenting Zonal Railways has not been made a party-respondent.

(B). OA No. 291/00486/2015

In the aforesaid OA, the applicants (6 in number) cleared the written and aptitude tests and they were also not found eligible as per their educational qualifications and, therefore, their names were withheld in provisional select list dated 15.07.2015 issued by the RRB, Ajmer.

Though in the aforesaid OA, the indenting Zonal Railways has been made a party-respondent.

(C). OA Nos. 291/00504/2015, 291/00513/2015, 291/00514/2015, 291/00515/2015, 291/00516/2015, 291/00517/2015, 291/00525/2015, 291/00611/2015.

In the aforesaid OAs indenting Zonal Railways has been made a party respondent and while the applicants cleared the written and aptitude tests, they have not been included in the panel of 15.07.2015.

(D). OA Nos. 291/00590/2015

In the aforesaid OA, indenting Zonal Railway has not been made a party respondent and while the applicant cleared the written and aptitude test, his name was withheld in the panel of 15.07.2015.

The Annexures referred to in this common order are as those in OA No. 426/2015 – Aman Sharma Vs Union of India, unless specifically noted otherwise. The aforesaid OA is also treated as the main lead case.

Interim Relief and Interim Direction :

3. Before proceeding further it is important to delineate upon the position of interim directions issued in the OAs.

In forty (40) OA Nos. 291/00426/2015, 291/00427/2015, 291/00430/2015, 291/00435/2015, 291/00436/2015, 291/00437/2015, 291/00438/2015, 291/00439/2015, 291/00440/2015, 291/00441/2015, 291/00442/2015, 291/00443/2015, 291/00445/2015, 291/00446/2015, 291/00447/2015, 291/00448/2015, 291/00449/2015, 291/00450/2015, 291/00451/2015, 291/00452/2015, 291/00453/2015, 291/00454/2015, 291/00455/2015, 291/00456/2015, 291/00457/2015, 291/00458/2015, 291/00459/2015, 291/00460/2015, 291/00466/2015, 291/00467/2015, 291/00468/2015, 291/00469/2015, 291/00470/2015, 291/00471/2015, 291/00472/2015, 291/00473/2015, 291/00474/2015, 291/00484/2015, 291/00485/2015,

291/00486/2015, with 45 applicants, interim relief was given vide common order dated 03.08.2015 with the interim direction for keeping one post vacant for each applicant along with direction for training as well as for medical examination.

4. Challenging the legality and validity of the common order dated 03.08.2015 passed in the OA Respondents filed Writ Petition(s) before the Hon'ble High Court of Rajasthan, Jaipur. The Writ Petition(s) were finally decided vide order dated 31.08.2015 quashing the order of this Tribunal to the extent of sending the applicant(s) for medical examination and training but with regard to keeping the posts vacant, Hon'ble High Court observed in its order that "As we have already noticed in our order dated 27.08.2015 that the Railway Establishment has agreed to keep the number of vacancies qua the applicants before the Tribunal vacant to safeguard their interests if they finally succeed" Thus, in this way the interim directions of the Tribunal to keep one post vacant for each applicant in the aforesaid OAs were kept intact.

5. In OA No. 291/00504/2015, interim relief similar to that of 03.08.2015 was granted on 17.08.2015.

6. In OA Nos. 291/00513/2015, 291/00514/2015, 291/00515/2015, 291/00516/2015, 291/00517/2015, 291/00525/2015, interim relief similar to that of 03.08.2015 was granted o n 20.08.2015.

7. In OA No. 291/00540/2015, interim relief was granted on 22.09.2015 with interim direction to keep one post of Assistant Loco Pilot vacant.

8. In OA Nos. 291/00560/2015, 291/00561/2015, 291/00590/2015, interim relief similar relief to keep one post vacant was granted on 24.09.2016.

9. In all these 51 OAs, one post was directed to be kept vacant for each of the applicants and in this way 56 posts were directed to be kept vacant.

Out of these 56 applicants, 49 applicants were not included in the panel dated 15.07.2015 and the result of 07 applicants were withheld.

10. In OA Nos. 291/00610/2015, 291/00611/2015, 291/00616/2015, interim relief was granted on 07.10.2015 and in OA No. 291/00633/2015, interim relief was granted on 09.10.2015 in which appointments if any made pursuant to Employment Notice No. 01/2014 dated 18.01.2014 were made subject to the final outcome of these OAs.

11. Thus is noted that in the aforesaid 55 OAs, in all there are 60 applicants, one each in 54 OAs and 6 applicants in OA No. 291/00486/2015 and 53 do not find their names in the panel of 15.07.2015 and results of 7 have been withheld. For convenience and ready reference the overall position is summarized in a table as below :

Serial Number of OAs	Number of OAs	Number of applicants	Applicant not included in panel of 15.7.2015	Results of applicant withheld	I.R.
1 - 40	40	45	39	6 (OA No. 486/2015)	One post kept vacant for each applicant
41 – 51	11	11	10	1 (OA No. 590/2015)	One post directed to be kept vacant for each applicant
52 – 55	04	04	04	-	Appointments of the Cen Employment Notice No. 01/2014 made subject to outcome of OAs.
	55	60	53	7	

12. Arguments in all the OAs were heard and the following main issues have emerged for our consideration –

(i) implication and maintainability of certain OAs in view of non-joinder of the indenting Zonal Railways as the indenting Zonal Railways has not been made a party-respondent in certain OAs referred above.

(ii) maintainability of OAs because of non-joinder of candidates already selected as per panel dated 15.07.2015 (Annexure A/1) as party - Respondents and whether their if any rights would be adversely affected if the OAs are heard without them being made party-respondents.

(iii) the basic issue of eligibility of the applicants for the post of Assistant Loco Pilots per their educational qualifications with reference to Cen Employment Notice No. 01/2014 (Annexure A/2).

13. On the date of hearing, counsels for both the sides were also asked to file written arguments/note on the aforesaid and related issues and written arguments and submissions / notes have been received along with citations / documents from counsels for applicants appearing in OAs viz. Mr. Sunil Samdaria, Mr. Anurag Shukla , Mr. M.S. Raghav and Mr. Rajesh Kapoor.

Issue No. (1)

14. With regard to the issue whether non-joinder of the indenting Zonal Railways as respondents adversely effects the maintainability of the OAs, counsel for the respondents contended that indent for vacancies to be filled up are sent by the concerned Zonal Railways to the RRBs and finally it is the Zonal Railways that appoint the selected persons and, therefore, they are required to be made parties and non-joinder of such a necessary party makes the OAs non-maintainable. Per contra, counsels for the applicants contended that though this might be the procedure for selection and appointment but it is the RRB, Ajmer which has declared the results of the applicants after conducting the examinations, aptitude test and the document verifications and it is from there that the applicants could come to know that they were ousted from the final panel of 15.07.2015 or their result withheld because their Diploma /Degrees and educational qualifications were not in accordance with the prescribed qualifications. Some of the applicants also ventilated their grievances in representations

submitted to the Chairman, RRB. Thus, it was contended that the applicants have grievances only with the RRB. It was also argued that the question of making concerned Zonal Railways a party and the Zonal Railways being a necessary party does not arise because at this stage applicants have no grievance with the Zonal Railways and this is no ground to declare the OAs not maintainable. It was further submitted that in any case the Union of India, through the Ministry of Railways has been made a party in most cases and the Ministry being the overall head of the Organization ,not making the indenting Zonal Railways as a party is of no consequence and prayed for the dismissal of the preliminary objection.

15. Considered the aforesaid contentions and perused the record. It is clear that it is the RRB Ajmer which declared the provisional panel dated 15.07.2015 in which the name of the applicants were not included/withheld and even the representations were made to the Chairman, RRB. Thus, as the grievances of the applicants are with the RRB and in any way the Union of India through its Secretary, Ministry of Railways has already been made a party-respondent in almost all OAs, therefore, the question of the OAs not being maintainable only on the ground of the Zonal Railway who are the indenting Railways not being made a party does not arise, and as such the preliminary objection of the counsel for the respondents is overruled.

Issue No. (2)

16. It was contended by the counsel for the respondents that those who find their names in the selection list Annexure A/1 dated 15.07.2015 have not been made parties and any order passed without hearing them may adversely affect their rights and as such OAs are not maintainable because of non-joinder of parties.

17. Per contra, counsel for the applicants contended that it was not necessary to make other selected persons parties because in the first place, the panel is provisional and further that their selection has not been

assailed in the OAs and nobody has come before the Tribunal to say that their rights have been infringed upon and in any case there is Interim Relief order dated 03.08.2015 in 40 OAs regarding one post being kept vacant for each of the applicant (45 applicants in all these OAs) which has to that extent been upheld by the Hon'ble Rajasthan High Court, Jaipur vide its order dated 31.08.2015. Further in the remaining OAs also there are similar interim directions for keeping a post vacant or the appointment being made subject to the outcome of the OA.

18. In this regard it is noted that with reference to interim order dated 03.08.2015 of this Tribunal (read with order of Hon'ble High Court, Jaipur dated 31.08.2015), in 40 OAs (which had 45 applicants) 45 posts have been kept vacant by the Railway establishment and later in another 11 OAs on dated 17.08.2015, 20.08.2015, 22.09.2015 and 24.09.2015, one post for each applicant was directed to be kept vacant. In this way as noted in detail at paras 3 to 11 above 56 posts have been directed to be kept vacant and of these 56 applicants, 49 persons were not included and results of 7 were withheld as per panel dated 15.07.2015. In the remaining 04 OAs regarding 4 applicants the decision regarding appointment pursuant to Cen Employment Notice No. 01/2014 has been made subject to the outcome of the OA.

19. In this regard it is important to briefly look at the selection process. In this context, it is noted that vide Centralized Employment Notice No. 01/2014 dated 18.01.2014 (Annexure A/2), 562 posts were advertised for Assistant Loco Pilot in the jurisdiction of RRB Ajmer (the respondents in the OAs and the concerned RRB), which were enhanced to 638 vide corrigendum dated 10.12.2014 (Annexure A/4). In this Employment Notice amongst other directions, candidates were advised to submit single application for posts under any one RRB as per their choice and educational qualification, and no other form, except caste certificate for SC/ST was required to be submitted with the application form. A common

entrance exam was held at the same date for all participating RRBs and that included RRB Ajmer which is the respondents in all the OAs. Inter alia, it was provided in the Employment Notice itself that candidature of all the candidates will be provisional at all stages of recruitment and was likely to be cancelled at any stage in case it is found that they are not fulfilling the requisite eligibility conditions and the onus of proving the eligibility conditions was upon the applicants. For the post of Assistant Loco Pilot, written exam was to be followed by the aptitude test. It is further noted that the written exam was held by RRB Ajmer on 15.06.2014 and on the basis of performance in the written examination provisionally eligible 5144 candidates were called for aptitude test. After that, based on the performance of the candidates in the aptitude test (held between 02.03.2015 to 25.03.2015), the results were declared by RRB Ajmer on 27.05.2015 (Annex. A/8) with 632 candidates in the main list and 261 as extra candidates (50% of the vacancies) i.e. total 893 candidates being declared as provisionally eligible for the next stage of documents verification to be held between 12.06.2015 to 02.07.2015. It has also been averred in the reply that the respondent RRB later noted that there were other 73 qualified candidates (i.e. over and above 632 + 261 = 893 notified vide panel of 27.05.2015), who were higher in merit than those called for document verification vide panel dated 27.05.2015 but were inadvertently left out due to having given second choice/option for the post of Assistant Loco Pilot and they were also called for documents verification on 13th and 14th July, 20015 vide RRB letter dated 01.07.2015. Thereafter the documents verification was held from 12.06.2015 to 02.07.2015 and on 13.07.2015 and 14.07.2015 of a total 966 candidates (main list 632 + 261 as extra + 73 left out candidates) and vide panel dated 15.07.2015 i.e. the provisional selection panel was issued as per Annexure A/1.

20. The provisional panel dated 15.07.2015 after written exam, aptitude test and further document verification, makes provisional selection of candidates as under:

	Selection as per Annexure A/1	Total posts as per Annexure A/4	
UR	279		312
SC	91		97
ST	33		48
OBC	167		181
Total selection	570	Total posts	638
withheld	44		
Total	614		

21. With regard to interim direction, as analyzed in Para 3 it is noted, 45 posts are to be kept vacant for applicants in 40 OAs (refer order dated 03.08.2015 read with order of Hon'ble High Court dated 31.08.2015) 11 posts for applicants in 11 subsequent OAs have been directed to be kept vacant as per interim direction and in the last 4 OAs any appointment made pursuant to Employment Notice No. 01/2014 dated 18.01.2014 shall be subject to the final outcome of the OA. Further of the total number of 60 applicants,53 candidates, do not find place in the panel dated 15.07.2015 while the results of 7 candidates has been withheld.

22. The above analysis and exercise is being made because, subject to the decision on the key question of eligibility with regard to educational qualification, 60 applicants belonging to different categories may be required to be considered for selection/appointment and while in the case of 7 candidates, where results have been withheld, this may not create any difficulty, but 53 applicants will be required to be placed in certain position, which may affect others already selected. Therefore, as those selected have not been made parties while it cannot be said that the OA is not maintainable on this ground, in order to protect any rights that may have accrued to those already in the selection panel of 15.07.2015, though provisional it is made clear that the decision in these OAs will not adversely affect them.

Issue No. (3)

23. As far as the main issue regarding the eligibility for the post of Assistant Loco Pilot is concerned, the following eligible qualifications were prescribed under the Centralized Employment Notice No. 01/2014 dated 18.01.2014:

"Matriculation plus course completed Act Apprenticeship/ITI approved by NCVT/SCVT in the trades of Fitter, Electrician, Instrument Mechanic / Millwright Maintenance Mechanic/ Mechanic Radio & TV/ Electronics Mechanic / Mechanic Motor Vehicle / Wireman / Tractor Mechanic / Armature and Coil 2Winder/ Mechanic Diesel / Heat Engine / Turner / Machinist / Refrigeration and AC Mechanic OR Diploma in Mechanical / Electrical /Electronics / Automobile Engineering recognized by AICTE in lieu of ITI.

Note: Candidates having higher Educational qualification in Mechanical / Electrical / Electronics / Automobile Engineering recognized by AICTE are also eligible."

24. In all there are 60 applicants in the aforesaid 55 OAs, one applicant in each OA except OA No.291/00486/2015 in which there are 6 applicants. After going through the records of the OAs, Educational Qualifications of the applicants are noted as under:

1. Bachelor of Technology (Electronics & Communication Engineering) from Rajasthan Technical University, Kota:

   OA No. 426/2015, 427/2015, 430/2015, 435/2015, 436/2015, 437/2015, 438/2015, 440/2015, 441/2015, 442/2015, 443/2015, 447/2015, 448/2015, 450/2015, 452/2015, 453/2015, 455/2015 456/2015, 457/2015, 458/2015, 467/2015, 469/2015, 470/2015, 504/2015, 525/2015, 540/2015, 590/2015, 616/2015.

2. Bachelor of Technology (Electronics Instrumentation and Control Engineering) from Rajasthan Technical University, Kota:-

   OA No.446/2015, 454/2015

3. Bachelor of Engineering (Electronics and Communication Branch) from University of Rajasthan, Jaipur :-

   OA No.439/2015, 445/2015, 484/2015, 485/2015, 561/2015

4. Bachelor of Engineering (Electronics and Communication) from Maharana Pratap University of Agriculture and Technology, Udaipur :-

   OA No.449/2015

5. Bachelor of Engineering (Electronics & Communication Engineering) from Rajeev Gandhi Praudogiki Vishwavidyalaya, Bhopal:-

   OA No.560/2015

6. Bachelor of Technology (Electronics and Communication Engineering) from Maharshi Dayanand University, Rohtak :-

   OA No. 468/2015

7. Bachelor of Technology (Mechanical and Automation Engineering) from Amity University, Rajasthan, Jaipur:-

   OA No. 633/2015

8. Diploma in Electronics (Bio-Medical)Engineering from Board of Technical Education, Rajasthan, Jodhpur:-

   OA No.451/2015, 459/2015, 460/2015

9. Diploma in Electronics (Automobile)Engineering from Board of Technical Education, Rajasthan, Jodhpur:-

   OA No.486/2015 , 611/2015

10. Diploma in Electronics & Communication Engineering from Board of Technical Education, Delhi :-

    OA No. 466/2015

11. Diploma in Mechanical Engineering (Production) from Board of Technical Education, Lucknow:-

    OA No. 471/2015, 473/2015, 474/2015, 513/2015, 514/2015

12. Diploma in Mechanical Engineering (Computer Aided Design) from Board of Technical Education, Lucknow:-

    472/2015

13. Diploma in Mechanical Engineering (Modern Consumer Electronics Appliances) from Board of Technical Education, Lucknow:-

    OA No. 516/2015

14. Diploma in Mechanical Engineering (Production) from Govt. Polytechnic, Kanpur:-

    OA No.515/2015

15. Diploma in Mechanical Foundry & Forging from Haryana State Board of Technical Education, Panchkula:-

OA No.517/2015

16. Diploma in Electronics and Communication Engineering from Haryana State Board of Technical Education, Panchkula:-

610/2015

It is clarified, by way of caution, that any error in noting the aforesaid position may be deemed to be an inadvertent error nd the Diploma/Degree and educational qualifications of the applicant may be treated as that mentioned by the applicant in his/her OA.

25. It has been the contention of the counsels for the applicants that the aforesaid Diploma / Degrees of Engineering in these subjects / stream is an eligible qualification as per the Cen Employment Notice No. 01/2014(Annexure A/2) and the Degrees can very well be considered as higher qualification in Mechanical / Electrical / Electronics / Automobile Engineering recognized by AICTE, and therefore as per the prescribed qualifications including note below the qualifications, the applicants are eligible and considering them ineligible and thereby denying selection is unfair and arbitrary and has no legal validity. It was further contended that actually the applicants have studied two streams rather than just one stream and obtained the Degrees after hard work and, therefore, their qualifications are higher and their Degrees fall in the note appended to the requirement of educational qualifications. In this context, as an example with reference to B. Tech. in Electronics and Communication Engineering it was submitted that the degree possessed by the applicants is essentially a qualification in Electronics with Communications as an additional qualification. In the written submissions filed by Mr. Sunil Samdaria, counsel for applicant in OA No. 291/00426/2015 and several other OAs, it has been submitted that presence of word Communication does not divest the Degree from that of being a Degree of Electronics engineering. It was contended that when persons with ITI in trades of Radio and T.V. mechanic, electrician/electronic mechanic

Radio & TV are eligible, then people with B. Tech. degree in Electronics and Communication engineering, which is much higher by all means, would definitely qualify to be eligible. Thus, the qualification possessed by the applicants not only conform to the qualification prescribed in the Employment Notice, rather qualification possessed many of the applicants are much higher than the minimum required ones. Thus, ouster of the applicants from the panel dated 15.07.2015 (Annexure A/1) or withholding their result made by respondent no. 2 is per se illegal and invalid in the eyes of law.

26. Counsels for applicants also submitted that when similar appointments were made to the post of ALP as per Employment Notice No. 1/2011 (Annexure A/12) which contained the same qualification as prescribed under the present Employment Notice, candidates having B.Tech in Electronic & Communication were treated as eligible and given appointment by the same RRB, Ajmer and reference has been made to the appointment as Assistant Loco Pilot of Shri Ravindra Lakhara and Shri Manish Yadav, who had these same qualification. A reference has also been given in Annexure A/1 of OA No. 486/2015 of selection of two candidate viz. Shri Bharat Marothia and Prem Prakash having Diploma in Mechanical (Automobile)Engineering pursuant to Cen Employment Notice No. 1/2010 where same qualification were prescribed and that Shri Bharat Marothia is posted at Abu Road in Rajathan.

27. Counsels for applicants also referred to the decisions taken by RRB Chennai and RRB Chandigarh in the same recruitment process i.e. the one notified by Employment Notice No. 01/2014 in which candidates having similar qualifications as those of many applicants have been selected. As per their information dated 01.09.2015 (Annexure – C filed with MA No. 101/2016 in OA No. 426/2016 for taking documents on record obtained under RTI, RRB, Chennai has selected candidates holding Diploma/Degree in Electrical & Electronic Engg. as well as Electronics & Communications Engg. Further RRB Chandigarh has treated a candidate Shri Om Prakash

Choudhary having educational qualification of Diploma in Electronics (Bio-Medical) Engineering from Board of Technical Education, Rajasthan as eligible and he has been selected as may be seen from their letter dated 08.01.2016 (Reference Annexure D & F in MA No. 101/2016 filed in OA No. 426/2015). It was thus argued that as all the RRBs are working under the common command of the Railway Board and the Ministry of Railways, one RRB cannot legitimately take a different view from the other on the key question of educational qualifications or even differ from its previous view and decisions, thereby putting the applicants at great loss and even not considering them eligible for appointment.

28. Counsel for applicants also brought to notice certain clarification/orders issued by the concerned educational authorities:

1. As per letter dated 23.04.2014 issued by Jt.Director, Technical Education Rajasthan, Diplomas in Mechanical (Automobile), Mechanical (Production), Mechanical (Refrigerator & Air Conditioner) & Mechanical (Machines Tool & Tool Technology) Engineering are equivalent to Diploma in Mechanical Engineering with specialization in these streams. (Annexure A/18 in OA No. 486/2015)

2. Letter dated 25.03.2010 of Board of Technical Education that Electronics (Bio-Medical) Engineering is equivalent to Diploma in Electronics Engineering with Bio-Medical as a specialization (A/3 OA No. 459/2015).

3. Letter of Rajasthan Technical University, Kota dated 30.07.2015 wherein it has specifically been stated that for recruitment to the post of Assistant Loco Pilot by RRB, Ajmer, Be.Tech (Electronics & Communication) Engineering may be treated as equivalent to B.Tech Electronics Engineering (given during the course of hearing).

29. Counsels for applicants also referred to certain judgments including that of the Hon'ble Rajasthan High Court, Jaipur Bench in the case of Alok

Kumar Budania v. Raj. State Road Transport Corporation & Another (SB Civil Writ Petition No. 4576/2015) decided on 31st July, 2015 in which Diploma in Mechanical Engineering (Refrigerator & Air Conditioning) has been held as same as Diploma in Mechanical Engineering.

30. Counsels for applicants further supported their arguments relying upon the letter No. E (NG)-II/2000/RR-1/47 dated 19.10.2015 issued by Ministry of Railways, Railway Board (was also enclosed as enclosure 'F' of the written arguments filed by Mr. Sunil Samdaria, counsel for applicant in OA No. 291/00426/2015), and wherein the following has been provided : -

> "2. The issue of allowing candidates with combinations of various streams of trades of Engineering prescribed as above has been under consideration of this Ministry and it has now been decided to allow such candidates to be considered for employment on the railways in terms of Board's instructions contained in RBE No. 162/2001 dated 20/8/2001 subject to the provisions contained in Board's letter No. E(NG)II/2005/RR-1/8 dated 28/8/2014 and 30/9/2015.
>
> 3. Cases / panels yet to be finalized may also be dealt in terms of above instructions. Those finalized need not be re-opened."

31. In this context counsel for applicant submitted that the applicants are eligible to be considered in view of the aforesaid letters of the Ministry itself. On all the aforesaid grounds, counsels for applicants prayed for their OAs to be allowed.

32. Per contra, ld.counsel for respondents emphatically contended that very clearly the educational qualifications prescribed for the post of ALP as per Cen Employment Notice No. 01/2014 (Annexure A/2) inter alia provides for Diploma in Mechanical / Electrical /Electronics / Automobile Engineering recognized by AICTE in lieu of ITI and only those candidates having such Diploma or higher Educational qualification in Mechanical / Electrical / Electronics / Automobile Engineering recognized by AICTE as per the appended note are eligible. Therefore, it is very clear that the Diploma/Degree or higher educational qualification i.e. B. Tech. etc. has to be only in one of the aforesaid stream and the candidates must have studied this stream by itself while obtaining the Diploma / B.Tech/B.E.

Degree. A combination of streams would automatically imply less study of one subject and therefore that cannot be counted as the same as Diploma / Degree in one specified stream which is as per the prescribed qualification and therefore such candidates as have a combination of streams cannot be treated at par with those who have Degree or Diploma in one stream and have studied the subject in much greater detail.

33. Counsel for Respondents also submitted that any decisions taken in the past by RRBs regarding eligibility as per certain educational qualifications are not binding and therefore of not of any help and consequence to the applicants. Counsel for respondents also submitted that letter of Railway Board dated 19.10.2015 also does not come to the rescue of the applicants because it relates to combination of streams of trades of engineering prescribed above i.e. Mechanical / Electrical / Electronics / Automobile Engineering and none of the applicants have a combinations of these four subjects/stream ,rather as may be seen from record that they are having combination with other trades/stream like Communication, Instrumentation and Control Engineering etc. and not relating to Mechanical/Electrical/Electronics/Automobile as prescribed in the Notification. On the above grounds, counsel for Respondents prayed for the dismissal of the OAs.

34. Considered the aforesaid contentions of the counsel for respective parties and perused the records.

(a) It is noted that in the centralized Employment Notice No. 01/2011 (Annexure A/12) the educational qualifications prescribed for the post of Assistant Loco Pilot were same as those under the centralized Employment Notice No. 1/2014 dated 18.01.2014 (Annexure A/2). It has been brought to our notice in the written submission in OA No. 426/2015 that in selection process relating to the year 2011, RRB Ajmer itself had treated the degree of B.Tech (Electronics & Communication) as an eligible qualification and the applicants are

aware that two candidates viz. Shri Ravindra Lakhara and Shri Manish Yadav who held the aforesaid Degree had got selected and appointed and their Degrees were treated as eligible qualification. Many of the applicants in the present OAs have the same Degree.

(b) The applicants have also brought to notice the information dated 01.09.2015 obtained under RTI (Annexure –C filed with MA No. 101/2016 in OA No. 426/2015) wherein the RRB Chennai has informed that selection made in pursuance of the same Employment Notice CEN 01/2014 a number of persons holding qualifications of Diploma/Degree in Electrical & Electronics Engineering, Diploma/Degree in Electronics & Communication Engineering, have been selected.

(c) Further the Rajasthan Technical University has also issued a "To whomsoever it may concern letter dated 30.07.2015 where in it has been specifically stated that for recruitment to ALP through RRB, Ajmer, B.Tech (Electronics & Communication) Engineering may be treated as equivalent to B.Tech (Electronics Engineering).

(d) Further it has also been submitted that RRB Chandigarh also has selected one Shri Om Prakash Choudhary S/o Shri Ramesh Chand Choudhary of Alwar vide its letter dated 08.01.2016 with reference to the same CEN Employment Notice 01/2014 (Reference Annexure D & F of MA No. 101/2016 filed in OA No. 426/2015) and his qualification is of Diploma in Electronics (Bio-Medical) Engineering from Board of Technical Education, Rajasthan, a Diploma which is the educational qualification of some of the applicants in these OA also.

(e) The Board of Technical Education vide its letter dated 25.03.2010 (Annexure A/3 page 19-A in OA 459/2015) has also stated that Diploma in Electronics (Bio-Medical) Engineering has the same course as Diploma in Electronics Engineering with Bio-Medical as a specialization.

(f) It was also brought to notice that earlier also two candidates viz. Shri Bharat Marothia and Shri Prem Prakash having Diploma in Mechanical (Automobile) Engineering were selected in the selection process pursuant to CEN Notice No. 1/2010 and Shri Bharat Marothia is posted at Abu Road (reference Annexure A/1 in OA No. 486/2015).

(g) It is also noted that in the judgement dated 31st July, 2015 of the Hon'ble High Court of Rajasthan, Jaipur in Alok Kumar Budania Vs R.S.R.T.C. & Another in SB Civil Writ Petition No. 4576/2015 the Hon'ble High Court accepted the view that a Diploma in Mechanical Engineering (Refrigeration and Air Conditioning) was basically one in Mechanical Engineering and rendered eligible holders thereof to apply to posts requiring Diploma in Mechanical Engineering.

(h) The Joint Director and Secretary Technical Education, Government of Rajasthan vide his letter dated 23.04.2014 (Annexure A/18 in OA No. 486/2015) has also issued the clarification that students having Diploma in Mechanical (Automobile), Mechanical (Production), Mechanical (Refrigeration and Air Conditioning) and Mechanical (Machine Tools & Tool Technology) are equivalent to Diploma in Mechanical Engineering and along with Mechanical Engineering they have specialization in these streams.

35. In view of the above position brought out in the aforesaid documents we are also of the view that the Diplomas and Degrees of the applicants meet the requirement of the educational qualifications prescribed for Assistant Loco Pilot in the CEN Employment Notice No. 01/2014 and having a combination of trades/streams or a specialization in a particular trade, does not divest the Diploma/Degree of its essential stream/trade i.e. Diploma/Degree in Mechanical/Electrical/Electronics and Automobile Engineering. We do not accept the contention of the Ld.counsel for Respondents that a Diploma & Degree in two streams or with specialization in one stream or with specialization in one stream reduces the knowledge of

the applicant of one stream and therefore make him ineligible, especially considering the fact that the recruitment is for selection to the post of ALP where even the persons with Matriculation plus Course competed Act Apprenticeship/ITI approved by NVCT/SCVT in certain trades are also eligible.

36. Further all the RRBs functions under the general directions of the Railway Board and the Ministry of Railways and on the same point regarding eligibility of a particular Degree/Diploma a divergence of views is not proper and fair and puts some candidates at an unjust disadvantage.

37. Thus we hold that the applicants in the aforesaid OAs have the required eligible educational qualifications prescribed for the purpose of recruitment to the post of Assistant Loco Pilot as per Cen Employment Notice 01/2014 and the Respondents are directed to consider them for selection, it they are otherwise eligible, and needless to add after due verification of their Diploma/Degrees.

38. Accordingly, OAs are allowed, subject to the rider that the selection of the applicants if so made, would not adversely affect the rights of the candidates already included in the panel of 15.07.2015 (Annexure A/1 in OA 426/2015) but keeping in view the interim directions issued in the respective OAs and further that supernumerary posts may be created, if so warranted to the extent required.

The OAs are disposed of as above with no order as to costs.

A copy of this order may be placed in the respective files of the OAs.

(Ms.Meenakshi Hooja)
Administrative Member

(Dr. K.B. Suresh)
Judicial Member

Kumawat/Badetia