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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 13.04.99

OA No.340/97

1. Abdul Rashid 'A' S/o Shri Abdul Waheed, aged 49 years, Driver Grade 'B' r/o House No.113, Waheed Manzil, Rangpur Road, New Lions Club, Kota Junction, Kota.
2. Munne Khan 'L' S/o Shri Lal Khan aged 44 years, Driver 'B' R/o House No.184, Near Ram Singh Flour Mill, Dadwara, Kota Junction, Kota.

.. Applicants

Versus

1. The Railway Board through its Chairman, Rail Bhawan, New Delhi.
2. The Union of India through the General Manager (Estt.), Western Railway, Churchgate, Mumbai.
3. The Divisional Railway Manager (E), Western Railway, Kota Division, Kota.
4. Shri Ajay Kumar Sharma,
5. Shri Tarun Kumar Yadav
6. Shri Daya Ram Parihar
7. Shri Yogendra Kumar Sharma
8. Shri Sushil Kumar Mishra
9. Shri Hari Ram Ahirwar
10. Shri Sripakash Sharma
11. Shri Madhvendra Kumar Pathak
12. Shri Sanjay Kumar Jain
13. Shri Veer Singh
14. Shri Om Prakash Mishra
15. Shri Net Ram Meena
16. Shri Surya Prakash Sharma
17. Shri Rakesh Narain Dube

*(Capacity)*

18. Shri Rajendra Prasad
19. Shri Gajendra Singh
20. Shri Vijendra Kumar
21. Shri Om Prakash 'B'
22. Shri Ajay Kumar

.. Respondents

OA No.195/1996

Abdul Mazid S/o Shri Abdul Hakim, aged 42 years, Assistant Driver in the office of Chief Traction Foreman, W.R. Kota, R/o Railway Qtr. No. 688 A, New Railway Colony, Kota Junction, Kota.

.. Applicant

Versus

1. The Railway Board through Chairman, Rail Bhawan, New Delhi.
2. The General Manager, Western Railway, Churchgate, Bombay.
3. The Divisional Railway Manager, Western Railway, Kota.

.. Respondents

OA No.98/1996

1. Ved Prakash S/o Shri Hari Prasad, aged 41 years R/o Nashiha Colony, G.G.C., District Sawaimadhopur.
2. Babu Lal 'B' S/o Shri Bajrang Lal, aged about 41 years, r/o village Kala Talab, Kota.
3. Gokul Singh 'C' S/o Shri Chand Singh, aged about 35 years, r/o Railway New Colony, Qr. 683/B, Kota Junction, Kota.
4. Abdul Wahid S/o Abdul Razak, aged about 46 years r/o Railway Loco Colony, House No.592-A, Kota.
5. Jogendra Pal 'B' s/o Shri Buta Mal, r/o Qtr. No. 684/B, Railway colony, Kota.

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6. R.P.Singh s/o Shri Jagannath Singh, aged 46 years, r/o Mahadeo Bhawan, Arya Samaj Road, B.G. Mandi, Kota.

All the applicants are working as Driver (Goods under Sr. D.E.E.(TRO), Western Railway, Kota.

.. Applicants

Versus

1. The Railway Board through Chairman, Rail Bhawan, New Delhi.
2. The General Manager, Western Railway, Churchgate, Bombay.
3. The Divisional Railway Manager, Western Railway, Kota.

.. Respondents

Mr. P.V.Calla, counsel for the applicants

Mr. Ashok Sharma, Personnel Inspector, departmental rep. for the official respondents.

Mr. Vinod Goyal, counsel for the private respondents

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

ORDER

Per Hon'ble Mr. Gopal Singh, Administrative Member

Since Mr. Manish Bhandari, counsel for the respondents has not appeared despite the fact that his Briefholder Mr. Anupam Agarwal, Advocate, got the case adjourned for today, we have heard the counsel for the applicants, counsel for the private respondents and the departmental representative for the official respondents. The records of the case have been carefully perused.

2. The controversy involved in all these 3 cases is

(To be signed)

(B)

the same and, therefore, all these applications are disposed of by this single order.

3. The brief facts of the case are that the applicants are rankers who had joined the respondent Department as Cleaners, got their promotions on ad hoc basis as 2nd Fireman and 1st Fireman and thereafter drafted on the post of Diesel Assistant on ad hoc basis. During the year 1989-90, the respondent Department conducted direct recruitment of Diesel Assistants through Railway Recruitment Board and it is proposed by the respondent Department to assign seniority to direct recruits over the rankers who had been working on ad hoc basis on the post of Diesel Assistants for a pretty long time. This controversy had come up earlier before a Division Bench in Jodhpur of the Central Administrative Tribunal, where one of us namely Hon'ble Mr. Gopal Singh, Adm. Member was also a member, in OA No.404 of 1992, Madan Lal and Ors. vs. Union of India and Ors., and it was held that the respondent Department had committed a mistake in initiating direct recruitment for the post of Diesel Assistant through Railway Recruitment Board as the proper procedure for filling up the post of Diesel Assistant was through lateral induction of 1st Fireman/2nd Fireman and only resultant vacancies were to be filled up by direct recruitment.

4. For detailed reasons recorded in the order dated 22.12.1998 in OA No.404 of 1992, Madan Lal and Ors. Vs. Union of India and Ors., mentioned supra, these applications are disposed of with the following directions:

- (i) The post of Diesel Assistant for the respective recruitment year should first be filled up from

*(Signature)*

amongst the rankers who were holding the post of Diesel Assistant on ad hoc basis and who were found qualified to hold the post in the selection test held subsequently.

(ii) The appointment of direct recruits to the post of Diesel Assistants would be treated as ad hoc till they are appointed against the regular post and they will be entitled to seniority from the notional date of completion of normal training of 52 weeks or the date they are appointed on regular basis whichever is later. This would imply that the rankers would rank senior to the direct recruits.

5. Parties are left to bear their own costs.

Gopal Singh

(GOPAL SINGH)

Adm. Member

Gopal Krishna

(GOPAL KRISHNÄ)

Vice Chairman