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Date of Decision: 11/11/2008

1. OA 491/96

Sajjan Kumar, Ticket Collector in the O/o Station Supdt.,
Sikar, W/Rly, Jaipur Division.

2. OA 492/96

Parag Sharma, Ticket Collector in the O/o CTI-I, W/Rly,
Jaipur.

... Applicants

V/s

1. Union of India through General Manager, W/Rly,
Churchgate, Mumbai.

2. Dvl.Rly.Manager, W/Rly, Jaipur.

... Respondents

CORAM:

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

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

For the Applicants

... Mr.P.V.Calla

For the Respondents

... Mr.Manish Bhandari

O R D E R

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

These two OAs are being disposed of by this common
order in view of the fact that both the applicants are
aggrieved by the same order and the relief sought is also
similar.

2. Mr.P.V.Calla, learned counsel for the applicants, mentioned right at the outset that the issues involved in these two OAs are similar to a bunch of OA Nos.477/96, 478/96, 479/96 and 510/96, decided by this Tribunal on 30.9.99. In these applications also Mr.P.V.Calla was the counsel for the applicants. He mentioned at bar that the order of this Tribunal issued in those OAs is under challenge in the High Court of Judicature for Rajasthan and the matter is still pending there. In spite of this background, the learned counsel for the applicant stressed that he would like to focus the attention of this Bench to the vital issue which, in his opinion, escaped attention of the learned Members sitting on that Bench.

3. We have given anxious consideration to the rival contentions of the learned counsel for the parties and also perused the whole record.

4. The learned counsel for the applicants stressed the point that the rules governing appointment on compassionate grounds specifically provided under

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Para XII (b) of the Master Circular dated 12.12.90 issued by the Railway Board regarding appointment on compassionate grounds that; "once an appointment on compassionate grounds of the wards, widows etc. has been made in a particular category/grade, no change of category/grade is subsequently permissible subject to the provisions in Para X(c) above."

5. The learned counsel for the respondents opposed the plea of the learned counsel for the applicants on the ground that all related issues had been deliberated upon when the earlier OAs were decided and the decision arrived at earlier is binding on this Bench hearing similar matters and involving similar relief.

6. As per facts and legal position, as referred above, the instant cases in hand are squarely covered by the order passed in OA Nos.477/96, 478/96, 479/96 and 510/96, decided on 30.9.99, and we ~~find~~ do not feel persuaded to agree with the views of the learned counsel for the applicants so as to reach any different conclusion.

We, therefore, dismiss this OA with no order as to costs.

SP
(A.P. NAGRATH)
MEMBER (A)

SP
TRUE COPY ATTESTED / (S.K. AGARWAL)
MEMBER (J)

12/11/2005
Section Officer (Judicial)
Central Administrative Tribunal
Jaipur Bench, JAIPUR