

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT AT BILASPUR
Original Application No.113/05
Bilaspur, this the 2nd day of February, 2005

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

1. Jasbir Singh Bhohi,
and 7 others.

APPLICANTS

(By Advocate - Shri V.Tripathi)

VERSUS

1. The Secretary,
Ministry of Railway
Railway Board,
New Delhi & 5 Others.

RESPONDENTS

(B

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

By filing this Original Application, the applicants
have sought the following main reliefs :-

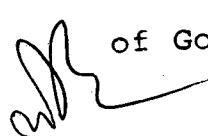
"(ii) Set aside the order dated 11.6.2004
Annexure A/1, to the extent the upgradation has been
given to the SC/ST employees on the post of
Sr. Goods Guards under reservation quota;

(iii) Set aside the order dated 19.8.2004
Annexure A/8 and any other order whereby the
names of the junior SC/ST employees have been
included in the list of zone of consideration for
the promotion of Passenger Guard.

(iv) Command the respondents to upgrade the
applicants as Sr. Goods Guard directly on the
basis of the seniority.

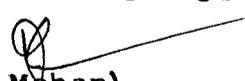
(v) Command the respondents to call the
applicants to participate in selection for the
post of Passenger Guard;"

2. The brief facts of the case are that the
applicants 8 in number are working as Goods Guard
in the pay scale of Rs.4500-7000/- in Jabalpur Division
of West Central Railway. As per the channel of
promotion under the Rules, the next promotional post
of Goods Guard is Passenger Guard (Rs.5000-8000)



and Mail Guard (Rs.5500-9000/). The post of Passenger Guard is filled up as per the positive act of selection being a selection post and the post of Mail Guard is a non-selection post, which is being filled up by adopting the criteria of seniority-cum-suitability. Recently, the Railway Board has restructured the post of Loco Running Staff as ordered by the Railway Board vide order dated 9.10.2003 and 6.1.2004. While restructuring the post of Passenger Guard and Mail Guard, the posts held by the applicants have not been upgraded as required under the restructuring scheme. Further, the applicants have also not been called for selection for the post of Passenger Guard. The applicants have, therefore, submitted their representation to the respondents nos.2 & 3 (Annexure-A-9). The learned counsel for the applicants states that he will feel satisfied if a direction is given to the respondents nos.2 & 3 to consider and decide the aforesaid representation of the applicants. He has also submitted that till the representation of the applicants is considered and decided the respondents may be directed not to finalise the selection for the post of Passenger Guard.

3. Considering the facts and circumstances of the case we deem it appropriate to dispose of this Original Application at this stage itself by directing the respondents to consider and decide the representation (Annexure-A-9) of the applicants by passing a detailed and reasoned order, before the result of the selection to the post of Passenger Guard is finalised. Ordered accordingly. The OA is accordingly disposed of at the admission stage itself. The Registry is directed to enclose a memo of parties while issuing copy of this order to the parties.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman