

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT CAMP : INDORE

Original Application No.249 of 2005

Indore, this the 19th day of October, 2005

Hon'ble Shri M.P.Singh - Vice Chairman
Hon'ble Shri Madan Mohan - Judicial Member

1. Ajay Kale, S/o Shri Diwaker Kale, Age 41 years, Occupation-Service (ASM), R/o-152-B, Railway Loco Colony, Near Over Bridge, Ujjain (M.P.).
 2. Jai Singh Raokate, S/o Shri Yadhwant Raokate, Age 50 years, Occupation-Service (SM).
 3. Vinay Kumar Gupta, S/o Shri R.S.Gupta, Age 42 years, Occupation-Service (SM).
 4. Mukesh Chand Jain, S/o Shri Shree Chand Jain, Age 39 years, Occupation-Service, (ASM).
 5. Diwakar Kumar, S/o Shri Avadhesh Singh, Age 33 years, Occupation-Service (ASM).
 6. Prabhat Manohara, S/o late Shri Bal Krishna Manohara, Age 39 years, Occupation-Service (ASM).
 7. Rajesh Shah, S/o Shri Indermal Shah, Age 39 years, Occupation-Service (ASM).
 8. Usman Khan, Age 55 years, Occupation-Service (SM), R/o-C/o 152-B, Railway Loco Colony, Near Over Bridge, Ujjain (M.P.).
- APPLICANTS

(By Advocate - Shri Rajendra Tiwari)

Versus

1. Union of India through Secretary to the Govt. of India, Ministry of Railway, Railway Board, Rail Bhawan, New Delhi.
 2. General Manager, Western Railway, Church Gate, Mumbai.
 3. Divisional Railway Manager (E), D R M Office, Western Railway, Ratlam
- RESPONDENTS

(By Advocate - Shri Y.I.Mehta, Sr. Adv. along with Smt. S.H. Mehta)

O R D E R (Oral)

By M.P.Singh, Vice Chairman.-

By filing this Original Application, the applicant in number, have claimed the following main relief:

"8.1 that to delete the name of SC & ST employees in the panel, as the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training has issued a instruction to Ministry of Railway on dated 25.10.2004 to say that, "The Supreme Court has decided that the reservation of SC & ST will not be applicable when making the promotion to the post upgraded on account of restructuring of cadre."


2. The SC & ST employees viz. from Sr.no.34 to sr.no. 63, Sr.no.41 to Sr.no.54 & Sr.no.16 in the list no. 4, 5 & 6 respectively were given the promotion on roster points and no pin pointing order has been issued till date and the only panel has been declared. Thus, the same may kindly be quashed.

3. To given promotion to the applicants in the light of Supreme Court judgments (supra)".

2. The brief facts of the case are that the applicants are working as Assistant Station Master/ Station Masters/ Station Superintendent in the grade of Rs.5000-8000, Rs. 5500-9000, Rs.6500-10,500/- respectively. The main grievance of the applicants is that the respondents have granted reservation in the upgradation of the posts while restructuring the cadre with effect from 1st November, 2003. According to the applicants there cannot be any reservation in upgradation of the posts while restructuring the cadre. They have relied upon the judgments of this Tribunal, Jaipur Bench in O.A. No.313/2004 (Rajkumar & others Vs. Union of India & others) decided on 14.2.2005; O.A.No.460/1991 decided by CAT Jodhpur Bench on 9.5.1996.


3. On the other hand, the learned counsel for the respondents has opposed the contention of the learned counsel for the applicants and he has relied upon the decision of Lucknow Bench of this Tribunal in the case of K. Chandrasekhar Vs. Union of India & anr., O.A.No.356/2004 decided on 4.10.2004.


4. In the facts and circumstances of the case, we are of the considered view that ends of justice would be met if we direct the applicants to make a representation to the respondents, within four weeks from the date of receipt of a copy of this order, citing all the judgments of this Tribunal/ We do so accordingly. Hon'ble High Courts/Hon'ble Supreme Court. If the applicants comply with this direction, the respondents are directed to consider the representation of the applicants and take a decision in the light of the judgments referred to by the applicants in their representation, and pass a reasoned, speaking and detailed order within a period of three months



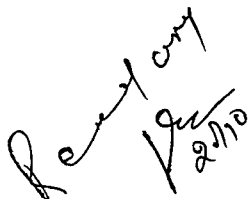
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from the date of receipt of such representation. The O.A.
is disposed of in the above terms. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman


rkv.


2/11/10