

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 1094 of 2004

Jabalpur, this the 18th day of January, 2005

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

Vijay Kumar Tiwari, aged about 50 years,
S/o. Shri J.P. Tiwari, Personnel/Welfare Inspector,
West Central Railway, Itarsi, resident of 11th Line,
Haripura, Itarsi (MP) Applicant

(By Advocate – Shri L.S. Rajput)

V e r s u s

Union of India, through

1. General Manager, West Central Railway,
“Indira Market”, Near Railway Station,
Jabalpur (MP) 482001.
2. Divisional Railway Manager,
West Central Railway, Bhopal (MP).
3. Shri K.V. Nagayach, Senior Divisional Personnel
Officer, West Central Railway, Habibganj,
Bhopal (MP). Respondents

(By Advocate – Shri M.N. Banerjee)

O R D E R (Oral)

By M.P. Singh, Vice Chairman –

Heard the learned counsel for the parties.

2. By filing this Original Application the applicant has claimed the following main reliefs :

“(b) quash the selection panel dated 23.9.2004 (Ann. A-4)
(which has already been cancelled by respondent No. 1), if
again revived by respondent No. 2 & 3 being arbitrary, illegal &
against the rules,

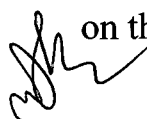


(c) quash the proceedings of normal selection of Personnel Inspector Grade Rs. 6500-10500 (RSRP) on Bhopal Division, for which written examination was held on 1.12.2004 without calling the applicant & without filling the upgraded posts w.e.f. 1.11.2003 by modified selection,

(d) direct the respondents to consider the applicant for promotion to grade Rs. 6500-10500 (RSRP) by modified selection w.e.f. 1.11.2003 with all consequential benefits,

(e) quash any other order/orders passed against the interest of the applicant, during the pendency of this case."

2. The brief facts of the case are that the applicant is working as Personnel Inspector Grade-II in the pay scale of Rs. 5500-9000/-. The Railway Board had restructured the cadre of Personnel Department and made it effective from 1st November, 2003. In the seniority list issued by the respondents Annexure A-2 the applicant has been shown as senior most at serial No. 1 in the scale of Rs. 5500-9000/-. However, the respondents vide their order dated 23rd September, 2004 (Annexure A-4) have prepared a panel for selection of the persons for promotion to the grade of Senior Personnel Inspector in the pay scale of Rs. 6500-10500/- and persons who were shown at serial Nos. 2 & 3 in the seniority list and junior to the applicant have been empanelled for the next higher post. By order dated 18th October, 2004 (Annexure A-6) the panel prepared by the respondents vide letter dated 23rd September, 2004 has been cancelled. Before the order dated 18.10.2004 was issued, the respondent No. 3 has issued the notification for formation of regular panel for the post of Senior Personnel Inspector in the pay scale of Rs. 6500-10500/-. However, the Zonal Headquarter vide its order dated 17.11.2004 (Annexure A-7) has issued directions cancelling the earlier notification also and they have asked for the records of all eligible candidates to the headquarters. In the meantime the applicant who was senior most in the grade of Rs. 5500-9000/- and was not empanelled for the post of Senior Personnel Inspector has approached this Tribunal and the Tribunal vide its order dated 9.12.2004 has granted stay order to the effect that the status quo as existed on that day be maintained.



3. Now, although this case was listed for orders, with the consent of both the parties we are disposing of this Original Application by giving directions to the respondents to conduct the selection under the restructuring scheme for the post of Senior Personnel Inspector in the grade of Rs. 6500-10500/- in accordance with the rules and law and also consider the applicant along with other candidates if he is otherwise found eligible under the rules. This exercise should be conducted by the respondents within a period of three months from the date of receipt of a copy of this order.

4. With this direction, the present Original Application stands disposed of. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

“SA”

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

पतिलिपि अर्जित:-

- (1) सचिव, उच्च न्यायालय द्वार एडमिनिस्ट्रेशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसल
- (3) प्रत्यर्षी श्री/श्रीमती/कु.....के काउंसल
- (4) न्यायाधीश, को.प्र.अ., जबलपुर न्यायाधीश

सूचना एवं आवश्यक कार्यवाही हेतु

रजिस्ट्रार

Issued
On 23-01-05
BS

L.S. Rao put B2V-203P
M. M. Benarjee
20-1-05