

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR**

Original Application No. 420 of 2004
Original Application No. 431 of 2004
Original Application No. 432 of 2004
Original Application No. 588 of 2004

this the 28th day of July 2005

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

1. Original Application No. 420 of 2004 :

Rajeev Kumar Sharma & Anr. Applicants

2. Original Application No. 431 of 2004 :

Santosh Kumar Sharma & Ors. Applicants

3. Original Application No. 432 of 2004 :

Rajesh Kumar Satyarthi Applicant

4. Original Application No. 588 of 2004 :

Ghambheer Lal Applicant

(By Advocate – Shri Neelesh Tomar on behalf of Shri Anil Sharma in
OA No. 420/2004 and Shri B.N. Tyagi on behalf of Shri
M.P.S. Raghuwanshi in all other OAs)

V e r s u s

Union of India & Ors. Respondents in
all the OAs

(By Advocate – Shri V.K. Bhardwaj in all the OAs)



Common O R D E R

By Madan Mohan, Judicial Member –

As the issue involved in all the aforementioned cases is common and the facts and grounds raised are identical, for the sake of convenience these Original Applications are being disposed of by this Common order.

2. By filing these Original Applications the applicants have claimed the reliefs that the Annexure A-1 in the all the OAs be quashed and set aside and the respondents be directed to grant them appointment on a suitable post after due consideration of their cases with all consequential benefits.

3. The applicants in all the four Original Applications are aggrieved that they have not been given appointment on the basis of RB letter dated 1.1.1983 issued by the respondent Railway Department. The Railway Department acquired their land with the promise that at least one member of the family would be given appointment. The learned counsel for the applicants stated that in an identical case in OA No. 801/1995 – Shri Manoj Kumar Dwivedi Vs. Union of India & Ors., the Tribunal directed that if the respondents have granted appointment to any other persons whose less than 50% land has been acquired, then the applicants' case may also be considered for appointment. The respondents themselves have granted appointment to the similarly situated persons and they are duty bound to grant appointments to the applicants in the present OAs. Hence, these Original Applications are filed.

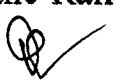
4. In reply, the learned counsel for the respondents submitted that Annexure A-2 in all the OAs is merely an advertisement calling applications from the affected family whose land were acquired by the Railway for laying tracks, in public interest. The condition prescribed in the Railway Board's letter dated 1.1.1983 stipulates the time limit of two



years only, for consideration. The Railways had paid adequate compensation to the land holders. The applicants in OA No. 870/1996 and connected OA, filed MA No. 1160/2001 before the Tribunal seeking relief regarding employment in the Railway and for compliance of the order passed in the aforesaid OA No. 870/1996 and other connected OA. The Tribunal dismissed the MA. Hence, the applicants are not entitled for the reliefs claimed.

5. Heard the learned counsel for the parties and carefully perused the pleadings and records.

6. We have given careful consideration to the rival contentions made on behalf of the parties and we find that the applicants had earlier filed OAs Nos. 87/2002, 497/2002 and 506/2002 which were decided by the Tribunal by a common order dated 30th October, 2003. We further find that the learned counsel for the respondents has stated that the present OAs are barred by limitation. This plea was also taken by the respondents in the earlier OAs mentioned above, which were filed by the applicants and while deciding the said OAs by the Tribunal, certain directions were issued to the respondents and the case was not rejected on the ground of barred by limitation. Hence, the delay in filing the present applications is condoned and the argument advanced on behalf of the respondents that the present applications are time barred and is not sustainable, is rejected. The Tribunal while disposing of the said OAs passed the order that the case of the applicants therein be considered in the light of the decision in OA-801-1995 – Manoj Kumar Dwivedi Vs. Union of India & Ors. decided on 4.7.1998. It was also directed that this consideration would be on the basis of the representations to be made by the applicants within two weeks from the date of receipt of the copy of the order and thereafter the respondents to consider the same within a period of two months from the date of such representations. Further in the present cases the undisputed facts are that as per the Railway Board's notification dated 1.1.1983 the



person, whose land has been acquired by the Railway, will be granted appointment in Group-C or Group-D post. It is also not in dispute that the applicants' land has been acquired by the respondent Railways. They had earlier come before this Tribunal and the Tribunal has given the direction to consider their cases in the light of the decision in the case of Manoj Kumar Dwivedi (supra). The respondents have rejected their representations on the ground that their claim is time barred and that they have to take into account various factors including financial implication and availability of resources. During the course of arguments, the learned counsel for the applicants has submitted that on one hand the respondents are taking the plea that there are no vacancies to appoint the applicants against the Group-D posts but on the other hand they are issuing advertisement for filing up these posts. The vacancies have been notified by the North Central Railway and Gwalior comes under the North Central Railway. Therefore, the contention of the respondents that there are no vacancies is wrong. The learned counsel for the respondents stated that the vacancies invited by them are reserved for sports quota only and there are no regular vacancies available for considering the applicants. We find that this submission of the learned counsel for the respondents is not supported by any document. However, the fact remains that there are vacancies which have been notified and these vacancies have been notified after filing of the present Original Applications and before filing of the replies in these Original Applications. Therefore, the ground taken by the respondents that there are no vacancies is not correct and is rejected.

7. Accordingly, in view of the notification dated 1.1.1983 issued by the respondent Railways, they are directed to re-consider the case of the applicants for appointment against Group-C or Group-D posts as and when vacancies are available and if they are found suitable for appointment they be appointed in accordance with the rules and law. The



General Manager, North Central Railway is directed to look into the matter personally.

8. In view of the aforesaid, all the Original Applications are disposed of in the above terms. There shall be no order as to costs.

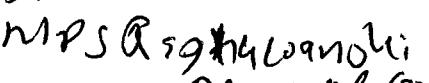
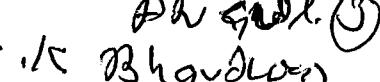
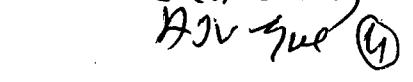
9. The Registry is directed to supply the copy of memo of parties to the concerned parties while issuing the certified copies of this order.

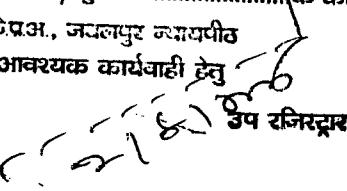

 (Madan Mohan)
 Judicial Member


 (M.P. Singh)
 Vice Chairman

पृष्ठांकन सं ओ/न्या..... जबलपुर, दि.....
 प्रतिलिपि आद्ये दिन:—

(1) सदिवा, उच्च न्यायालय, दारा एवं दिल्लीज, जबलपुर
 (2) आवेदक श्री/श्रीमती/द्वा..... के काउंसल
 (3) प्रत्यार्थी श्री/श्रीमती/यु..... के काउंसल
 (4) चांसल, योग्या, जबलपुर न्यायालय
 सूचना एवं आवश्यक कार्यवाही द्वेषु

aa./"SA" 





 उप रजिस्टर


 2/8/01