

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT AT INDORE

Original Application No. 268 of 2002

Indore, this the 12th day of November, 2003

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri G. Shanthappa, Judicial Member

Mahendra Singh Chauhan,  
Jr. Clerk, DRM/RTM and  
Secretary, All India Equality  
Forum, Ratlam.

... Applicant

(By Advocate - Shri S.L. Vishwakarma)

V e r s u s

1. Chairman, Railway Board,  
New Delhi 110001.
2. General Manager, Western Railway  
Churchgate, Mumbai.
3. Divisional Railway Manager,  
Western Railway, Ratlam.

... Respondents

(By Advocate - Shri Y.I. Mehta, Sr. Adv. assisted by Shri  
H.Y. Mehta)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

The applicant has sought relief by seeking direction to quash the eligibility list notified on 1st March, 2002 (Annexure A-1) by DRM, Ratlam and to cancel the result of the examination held on 23.03.2002 and has also further prayed to quash the post based roster issued by respondent No. 1 on 21.08.1997 (Annexure A-2) and allow the applicant to take up the examination.

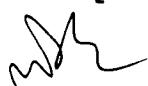
2. The brief facts as stated by the applicant are that the suitability test for the post of Senior Clerk in the scale of Rs. 4500-7000/- has been notified by the DRM, Ratlam on 01.03.2002 (Annexure A-1). The Railway Board has issued a post Based Roster on 21.08.1997 (Annexure A-2)



which is not in accordance with the judgment of the Hon'ble Supreme Court in R.K. Sabarwal versus Union of India. The applicant has therefore submitted that these posts based roster which is not in accordance with the judgment of the Hon'ble Supreme Court, needs to be quashed. It is also stated by the applicant that the Department of Personnel and Training has also issued a post based roster on 02.07.1997 (Annexure A-4) which is in accordance with the judgment of the Hon'ble Supreme Court and which has been upheld by the Hon'ble Central Administrative Tribunal, Jodhpur Bench vide its order dated 11.05.2001 in OA No. 286/1998 (Annexure A-5). Since the respondents have not prepared a post based roster in accordance with the judgment of the Hon'ble Supreme Court, the applicant has filed this Original Application claiming the aforesaid relief.

3. The respondents in their reply have stated that the calculation done by the applicant for reservation of the post is on the basis of cadre of 70, but it is not relevant as the cadre is of only 73 and according to the cadre and percentage of  $66\frac{2}{3}$ , 49 posts were to be filled in by the Divisional Rail Manager, Ratlam from serving junior Clerks by promotion and remaining are to be filled in by Direct recruitment. They have also stated that the similar issue has been decided by the Jodhpur Bench of this Tribunal in OA No. 286/1998 dated 11.05.2001 and which has been challenged further in the Hon'ble Supreme Court by filing an SLP and the matter is still pending.

4. Heard both the learned counsel for the parties and perused the records carefully.



of the case

5. In the facts and circumstances mentioned above, we dispose of this Original Application with a direction that of the outcome the pending SLP will be applicable in the instant case as well. No costs.

  
(G. Shanthappa)  
Judicial Member

M.P. Singh  
(M.P. Singh)  
Vice Chairman