

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 61/2000
Original Application No. 62/2000

Jabalpur, this the 10th day of March 2004

HON'BLE SHRI M.P.SINGH, VICE CHAIRMAN
HON'BLE SHRI G.SHANTHAPPA, JUDICIAL MEMBER

OA No. 61/2000

1. Shri S.L. Shrivastava s/o Sh. Bal Kishan Shrivastava,
J.E.-II TRD (Prov.),
Nissatpura, Bhopal Division,
Bhopal (MP).

2. Radheshyam Ram s/o Sh. Rathuram,
posted as J.E. II (Provisional).

...Applicants

(By Advocate: None)

OA No. 62/2000

Naresh Kumar Anand s/o Sh. Ishwari Prasad,
J.E.-II TRD,
Nissatpura, Bhopal Division,
Bhopal (MP).

...Applicant

(By Advocate: None)

-versus-

1. Secretary of Railway,
Rail Bhawan,
New Delhi.

2. Divisional Railway Manager,
Central Railway,
Habib Ganj, Bhopal (MP).

3. Senior Divisional Personnel Officer,
Central Railway,
Habibganj,
Bhopal (MP).

4. Senior Divisional Electrical Engineer,
Central Railway,
Bhopal (MP).

...Respondents

(By Advocate: Shri S.K. Mukherjee through Sh. A.K. Tiwari)

O R D E R

By G. Shanthappa, Judicial Member -

Since the issue involved in both the cases is common
and the facts and grounds raised as well as the reliefs claimed

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are identical, for the sake of convenience, these O.As are being disposed of by this common order.

2. O.A. No. 61/2000 will be treated as a leading case, in which the applicants have claimed the following reliefs:-

"The respondents may be directed to regularise their posts and also may be directed to give consequential promotion thereafter and any other relief which this Hon'ble Tribunal may deem fit in the facts and circumstances of this case."

3. The brief facts of the case in OA No. 61/2000 are that the applicants are scheduled caste and scheduled tribe employees respectively and their names find figure in the seniority list of the gradation list in TRD linemen Gr.I at sl. no. 5 & 6 respectively. On the basis of the Circular dated 20.5.1998 (A/2) vide which two posts were to be filled from the scheduled caste category candidates, the applicants were appointed as J.E. II vide order dated 15.4.1999 (A/5) and dated 16.3.1999 (A/3) respectively and were posted on provisional basis. Subsequently, the applicants submitted their representation to regularise their services as J.E.-II since they are senior to the applicant in O.A. No. 475/1998 Nasim Hussain Khan vs. Union of India & Others. Hence, the applicants have sought the above relief on the basis of the orders of this Tribunal passed in OA No. 475/1998.

4. The facts of the case in OA No. 62/2000 are that the applicant is a scheduled caste employee and his name in the seniority list of the gradation list in TRD linemen Gr.I finds figure at serial no. 2. He was appointed as JE -II w.e.f. 16.3.1999 (A/3). The applicant has submitted his representation before the respondents for his regularisation in the post of JE-II on the ground that he is senior to shri Nasim Hussain Khan, who has filed an OA No. 475/1998. The case of the applicant is that whatever judgement is rendered in OA No. 475/1998 would be applicable to his case.

- 4.1 The applicant is due for next promotion on 17.10.1999.

Since there are four posts, no scheduled caste category candidate has been promoted.

5. The respondents have filed their reply denying the averments made in the OAs. In their reply, they have stated that the impugned provisional posting orders dated 17.3.1999 (A/4) in reference of posting/promotion order dated 16.3.1999^{interim} is passed as per the direction given by the Hon'ble Tribunal in OA No. 475/98 in which promotion order is challenged and the applicant also belongs to the same panel. Hence this application is not tenable, and is liable to be dismissed. It is further submitted that provisional posting orders at Annexure A-3 and A-4 dated 16.3.1999 and 17-3.1999 are passed by the respondents in compliance with the interim order passed in OA No. 475/98. There are only three posts of Junior Engineer in the grade of Rs.5500-9000 (RPS) vacant for scheduled castes community employees and as per rota quota there is shortfall of 3 scheduled caste community employees in JE-I in Grade Rs. 5500-9000. Since the promotion order of the applicants^{are} provisional and the matter is still subjudice, as such no further promotion order can be issued.

6. Heard the learned counsel for the respondents. Since none is present on behalf of the applicants and the OAs are old pertaining to the year 2000, we are disposing of these OAs by invoking the provisions of Rule 15 of the C.A.T. (Procedure) Rules, 1987.

7. Learned counsel for the respondents has submitted that the OA No. 475/1998 has been disposed of. We called for the file of the above OA from the Registry and perused the order passed in that OA by this Tribunal. The said OA has been dismissed on 20.03.2002.

8. The contentions of either side have been considered. We dispose of the above OAs being OA No. 61/2000 and OA No. 62/2000 as per the directions given by the Tribunal in OA No. 475/1998.

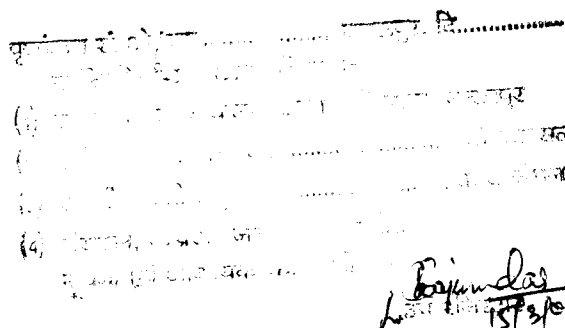
their representations to the respondents alongwith a copy of the order passed in OA No. 475/1998 with a request to consider their cases in view of the judgement of this Tribunal passed in OA No. 475/1998, referred to above. If such representations are filed by the applicants within a period of one month from the date of receipt of a copy of this order, the respondents are directed to take a decision on the said representations in accordance with rules and also in view of the directions issued by this Tribunal in OA No. 475/1998 and pass a speaking, detailed and reasoned order within a period of two months from the date of receipt of such representations with communication to the applicants.

9. With the above directions, these O.As i.e. OA No. 61/2000 and OA No. 62/2000 are disposed of. No costs.

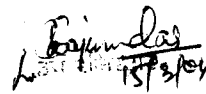

(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

/na/



V. Nayak
SK Mukherjee


Rajindras

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15.3.04