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27.07.2009

OA No. 72/2005

Mr. Rakesh Sharma, Counsel for applicant.

Mr. V.S. Gurjar, Counsel for respondents nos. 1 to 3.

Mr. Nand Kishore, Counsel for respondent no. 4.

On the request of the learned counsel for respondents nos. 1 to 3, let the matter be listed for hearing on 24.08.2009 on which date no further adjournment will be granted being a 2005 matter.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

24.8.2009

OA 72/2005


Mr. Rakesh Sharma, Counsel for Applicants.


Mr. V.S. Gurjar, Counsel for Respondent 1-3

Mr. Nand Kishore Counsel - for Resp. No. 4

Heard Counsel for parties.

For the reasons to be dictated separately OA shall stand disposed of.


(B.L. KHATRI)
Member (A)


(M.L. CHAUHAN)
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 24th August, 2009

ORIGINAL APPLICATION NO. 72/2005

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Subhash Pareek son of Shri Jetha Ram aged about 40 years, resident of 11, Chitra Gupta Nagar II, Imilwala Phatak, Jaipur. Presently working on the post of Power Controller in Headquarter Office, North Western Railway.

.....APPLICANT

(By Advocate: Mr. Rakesh Sharma)

VERSUS

1. Union of India through General Manager, North Western Railway, Jaipur.
2. The Divisional Rail Manager (Estt.), DRM Office, North Western Railway, Jaipur.
3. The Senior Divisional Mechanical Engg. (Estt.), North Western Railway, Jaipur.
4. Shri Charandas Meena, presently working as Loco Inspector, Phulera, Jaipur.

.....RESPONDENTS

(By Advocates : Mr. V.S. Gurjar – Respondent nos. 1 to 3.
Mr. Nand Kishore, Respondent no. 4)

ORDER (ORAL)

The grievance of the applicant is regarding selection of Respondent no. 4 on the post of Loco Inspector and subsequently posting him on the said post ignoring the claim of the applicant. The representation of the applicant has also been rejected. The case of the applicant is that such selection has been made in violation of the Memorandum dated 02.07.1997 issued by the Department of Personnel & Training, Ministry of Personnel, Public Grievances and Pension, Government of India, in respect of L Type Post Based Roster. It has been specifically pleaded that the roster issued by the Railway Board has been quashed by this Tribunal and even the Hon'ble High Court of Jodhpur Bench has upheld the roster of the DOPT in the case

of R.K. Gaur, as such it was not permissible for the respondents to make selection on the basis of the quashed roster.

2. The respondents have filed their reply.

3. We have heard the learned counsel for the parties. This Tribunal vide judgement dated 19.08.2009, where similar issue was involved, in the case of Umesh Kumar Meena vs. Union of India & Others, OA No. 319/2005, has passed the following order:-

"In view of what has been stated above, the present OA is disposed of with a direction to the respondents that they should proceed with the matter in accordance with the judgment to be rendered by the Hon'ble Supreme Court where the issue regarding the application of the post based roster in the case of R.K. Gaur pursuant to the notification dated 21.8.1997 is pending, without dragging the applicant to further litigation and direction of the Apex Court be carried out within a period of two months from the date of receipt of a copy of the judgment."

The aforesaid direction was given in the light of the order dated 08.04.2009 produced by the learned counsel for the respondents passed in DB Civil Writ Petition No. 11230/2008 where the Hon'ble High Court has deferred hearing of the matter till the matter is decided by the Hon'ble Supreme Court.

4. In view of what has been stated above, we are of the view that the present OA can also be disposed of in the light of the observations made above in the case of Umesh Kumar Meena (supra). Accordingly, the present OA is disposed of with the directions to the respondents to proceed further with the matter in accordance with the judgment to be rendered by the Hon'ble Supreme Court in the case of R.K. Gaur without dragging the applicant to further litigation and the such direction of the Hon'ble Supreme Court be carried out within a period of two months from the receipt of a copy of the judgment.

5. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)
AHQ


(M.L. CHOHAN)
MEMBER (J)