

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

Jaipur, the August, 24th 2006

ORIGINAL APPLICATION NO. 78/2005

With

Misc Applications Nos. 189/2005 & 33/2006

CORAM:

HON'BLE MR. KULDIP SINGH, VICE CHAIRMAN

HON'BLE MR. J.P. SHUKLA, MEMBER (ADMINISTRATIVE)

1. Ajit Kumar son of Shri S.P. Bhargava aged about 54 yrs. Working as Chemical and Metallurgical Superintendent Grade II under Deputy Chief Chemist and Metallurgist Carriage Workshop, Ajmer.
2. Hemant Kumar son of Late Shri Mahavir Swaroop Mathur aged about 53 years Working as Chemical and Metallurgical Superintendent Grade II under Deputy Chief Chemist and Metallurgist Carriage Workshop, Ajmer.
3. Shyam Maheshwari son of Late Shri N.L. Maheshwari aged about 49 years, Working as Chemical and Metallurgical Superintendent Grade II under Deputy Chief Chemist and Metallurgist Carriage Workshop, Ajmer.
4. Surendra Kumar son of Shri Chandra Lal Sharma aged about 52 years Working as Chemical and Metallurgical Superintendent Grade II under Deputy Chief Chemist and Metallurgist Carriage Workshop, Ajmer.
5. Avdesh Kumar Singh son of Shri Rampal Singh aged about 32 years, Working as Chemical and Metallurgical Superintendent Grade I under Deputy Chief Chemist and Metallurgist Carriage Workshop, Ajmer.
6. Krishna Kant son of Shri Ram Kishore Sharma aged about 30 years, Working as Chemical and Metallurgical Superintendent Grade I under Deputy Chief Chemist and Metallurgist Carriage Workshop, Ajmer.

...Applicant

By Advocate: Mr.H.S. Choudhary



Versus

1. The Union of India through the General Manager, North Western Railway, Jaipur.
2. Chairman, Railway Board, through the Secretary Railway Board, Railbhawan, Rafimarg, New Delhi.
3. Chief Works Manager, Loco Workshop, North Western Railway, Ajmer.
4. Deputy Chief Chemist and Metallurgist, Carriage SWorkshop, North Western Railway, Ajmer.
5. Shri Santosh Kumar working as Chemical and Metallurgical Superintendent Grade I, Diesel Locomotive Shed, Bhagat Ki Kothi, Jodhpur.
6. Shri Hans Raj working as working as Chemical and Metallurgical Superintendent Grade I, Diesel Locomotive Shed, Phulera Jn.
7. Shri Kishan Lal Jaif working as Chemical and Metallurgical Superintendent Grade II, Diesel Locomotive Shed, Phulera Jn.
8. Manmohan Ahirwar, working as Chemical and Metallurgical Superintendent Grade II, North Western Railway Workshop, Bikaner.
9. Bharat Lal Meena working as Chemical and Metallurgical Superintendent Grade II, under Deputy Chief Chemist and Metallurgist Carriage Workshop, Ajmer.

...Respondents

By Advocate : Mr. V.S. Gurjar (Respondent Nos. 1-4)

Mr. Dharmendra Jain Proxy counsel for Mr.
Manish Bhandari (Respondent Nos. 5 to 9)

ORDER (ORAL)

Heard. This OA has been filed by the applicants seeking orders under the restructuring scheme as the respondents are resorting to reservation to ST/SC candidates even when the post has been upgraded. However,

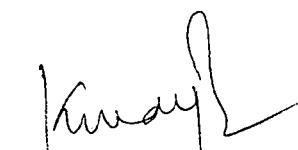


this matter is still pending before the Apex Court. The Jodhpur Bench of the Tribunal Tribunal vide order dated 25.01.2006 in OAs Nos. 110/2004, 111/2004, 115/2004, 156/2004, 165/2004, 01/2005, 33/2005, 44/2005 and 45/2005 in identical matter has already directed that respondents will not take any action in terms to Para 14 of the Restructuring Scheme issued vide RBE No. 177/2003 till the decision in the SLPs is pending. Both the counsel agree that this case may also be disposed on the same lines. Accordingly this case is also disposed on the same lines that the respondents will not give effect to Para 14 of the Restructuring Scheme of Railway Board Circular dated 09.10.2003 and it is also directed that judgement of the Apex Court on the subject will be binding on both parties as per law.

2. With these observations, the OA is disposed of accordingly with no order as to cost.


(J.P. SHUKLA)

MEMBER (A)


(KULDIP SINGH)

VICE CHAIRMAN

AHQ