

23

Central Administrative Tribunal
Jaipur Bench, JAIPUR

ORDERS OF THE BENCH


22nd July, 2009


OA 189/2005

Present: Shri Shiv Kumar, counsel for applicant
Shri Anupam Agarwal, counsel for respondents

Heard counsel for the parties.

For the reasons to be dictated separately OA stands disposed of.


(B.L. Khatri)
Member (Administrative)


(M.L. Chauhan)
Member (Judicial)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 22nd day of July, 2009

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDL.)
HON'BLE MR. B.L.KHATRI, MEMBER (ADMV.)

OA No.188/2005

Pradeep Kumar Jain,
s/o Shri Jagdish Prasad Jain,
r/o Type III/84-A, T.R.D. Railway Colony,
Ramganj Mandi, Distt. Kota,
Presently holding the post of Technician Grade-I,
In the office of Sr. Section Engineer (T.R.D.)
Ramganj Mandi, Distt. Kota.

.. Applicant

(By Advocate: Shri Shiv Kumar)

Versus

1. The Union of India through General Manager, Western Central Railway, Jabalpur.
2. The Divisional Railway Manager, Western Central Railway, Kota.
3. The Sr. Section Engineer (T.R.D.), Western Central Railway, Ramganj Mandi, Kota.

.. Respondents

(By Advocate: Shri Anupam Agarwal)

by

OA No.189/2005

Abdul Kasim
s/o Shri Gafoor G.,
r/o Chuli Gate near Masjid,
Gangapur City, Distt. Sawaimadhopur (Raj)
Presently holding the post of Technician
Grade-I in the office of Sr. Section Engineer
(T.R.D. Gangapur City),
W.C.Rly., Distt. Sawaimadhopur.

.. Applicant

(By Advocate: Shri Shiv Kumar)

Versus

1. The Union of India through General Manager,
Western Central Railway, Jabalpur.
2. The Divisional Railway Manager, Western Central
Railway, Kota.
3. The Sr. Section Engineer (T.R.D.), Western Central
Railway, Ramganj Mandi, Kota.

.. Respondents

(By Advocate: Shri Anupam Agarwal)

ORDER (ORAL)

By this common order, we propose to dispose of these OAs as
common question of facts and law is involved in these cases.

2. The applicants in both these OAs have challenged the order
dated 13.9.2004 (Ann.A1) whereby result of the selection for the

62

post of Junior Engineer Gr.II under 25% quota of Limited Departmental Competitive Examination has been declared. The grievance of the applicants in these OAs is that the panel has not been prepared correctly and the persons who were not even eligible have been promoted to the post of Junior Engineer Grade-II and the procedure laid down in the Rules in terms of Para 219 (g) and para 159 of the Indian Railway Establishment Manual (IREM) have been violated in preparing the panel for giving further promotion. It is on the basis of these averments, the applicants have prayed that the order dated 13.9.2004 may be declared as null and void and may be quashed and set-aside. The applicants have also prayed that the respondents may be directed to prepare a fresh panel according to rules and regulations including the name of the applicant and respondents may be directed to consider extra academic and technical qualification of the applicant while preparing panel for further promotion to the post of Junior Engineer Grade-II.

3. Notice of this application was given to the respondents. The respondents have filed reply.

4. We have learned counsel for the parties and gone through the material placed on record.

5. It is not in dispute that the panel in question was subject matter of dispute in OA No.464/2004, Shivraj Singh Solanki vs. Union of India and ors. decided on 25th July, 2007, by which the impugned order dated 13.9.2004 (Ann.A/1) and order dated 16.9.2004 have already been quashed and set-aside by this Tribunal and

respondents were directed to recast the panel of the successful candidates on the basis of total marks obtained in the LDCE and to promote the applicant to the post of Junior Engineer Gr.II. At this stage, it will be useful to quote operative portion of the judgment, which thus reads:-

"9. Accordingly, the OA is allowed and the impugned orders dated 13.9.2004 (Ann.A/1) and dated 16.9.2004 (Ann.A/2) are quashed and set aside and the respondents are directed to recast the panel of the successful candidates on the basis of total marks obtained in the LDCE and to promote the applicant to the post of Junior engineer Gr.II in case he finds place in the panel, alongwith all consequential benefits flowing out of quashing of the impugned orders. No costs."

The learned counsel for the respondents has submitted that the judgment of this Tribunal in the aforesaid case has been implemented by the department.

6. In view of what has been stated above, we are of the view that both these OAs can be disposed of in terms of findings recorded by this Tribunal in para 9 in the case of Shivraj Singh Solanki (supra) which shall mutatis-mutandis apply in the instant case also.

7. With these observations, both the OAs shall stand disposed of with no order as to costs.

(B.L.KHATRI)
Admv. Member

(M.L.CHAUHAN)
Judl. Member

R/

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