

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH : JAIPUR

OA No.64/2004 with MA Nos.317/05 & 372/05.

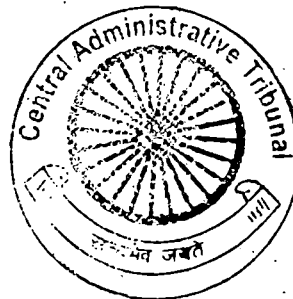
And

OA No.45/2005 with MA Nos.246/05 & 21/06.

Jaipur, this the 31<sup>st</sup> day of May, 2006.

CORAM : HON'BLE MR. V. K. MAJOTRA, VICE CHAIRMAN.  
HON'BLE MR. M. L. CHAUHAN, JUDICIAL MEMBER.

1. Bajrang Lal Meena  
S/o Shri Ram Meena,  
Aged about 48 years,  
R/o 122 Vikas Nagar,  
Sikar Road, Jaipur.
2. Kundan Lal Saini  
S/o Goghar Mal Saini,  
Aged about 53 years,  
R/o House No.1787, Nai Basti, Rewari.
3. Sajjan Singh  
S/o Shri Bishan Singh gehlot,  
Aged about 48 years,  
R/o Bungalow No.T/5, Railway Colony, Phulera,
4. Satya Narayan Sharma  
S/o Shri Bal Kishan Sharma,  
Aged about 38 years,  
R/o T-20 Railway Colony,  
Udaipur City.
5. Ramavtar Panwar  
S/o Shri Lallu Ram,  
Aged about 43 years,  
R/o 46, Hathi Babu ka Bag,  
Kanti Nagar, Jaipur.
6. Rajendra Prasad Sharma  
S/o Shri Radhey Shyam Sharma,  
Aged about 38 years,  
R/o 370-E, Railway colony, Topdara,  
Ajmer.
7. Gopal Krishan Sharma  
Shri Ganesh Narayan Sharma,  
Aged about 38 years,  
R/o 1209, Niwai ke Mehant Ka Rasta,  
Ramganj Bazar, Jaipur.
8. Ramesh Kumar Vashistha  
S/o Shri Gheesa Lal Sharma,



Aged about 36 years,  
R/o Bal Ram Nagar, Police Line Road,  
Sikar.

... Applicants in OA No.64/2004.

By Advocate : Shri P. V. Calla.

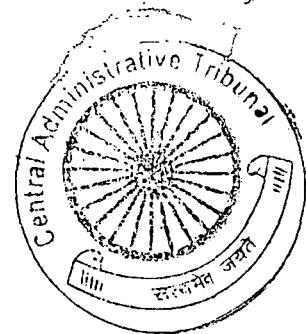
Vs.

1. Union of India through  
The Railway Board,  
Through its Chairman, Rail Bhawan,  
New Delhi.
2. The Union of India through  
General Manager, North West Railway,  
Jaipur.
3. The Chief Operation Manager (C.O.M.)  
North West Railway,  
Jaipur.

... Respondents in OA No.64/2004.

By Advocate : Shri S. S. Hassan.

1. Surendra Singh Verma  
S/o Shri Omkar Prasad,  
Aged about 51 years,  
R/o 51, Vrindavan Colony, Khatipura road,  
Jhotwara, Jaipur.
2. Mohan Lal Jain  
S/o Shri Ramchandra Jain,  
Aged about 55 years,  
R/o Railway Quarter, Railway Station,  
Saradhana, Ajmer.
3. Prakash Chand Bansal,  
S/o Shri Tarachand Bansal,  
Aged about 42 years,  
R/o IInd Floor of Hindustan Iron Factory,  
Ajmer.
4. Ashok Kumar sharma  
S/o Shri C. L. Sharma  
Aged about 45 years,  
R/o G/1/4 Road No.2, Ganpati Nagar, Railway Colony,  
Jaipur.
5. Sudhir Khandelwal  
S/o Shri Jagdish Chandra Khandelwal,  
Aged about 34 years,  
R/o Railway Quarter, Railway Station Lamana,  
Ajmer.



6. Asit Choudhary  
S/o Late Shri Ravikant Choudhary,  
Aged about 39 years,  
R/o 1925 Brahma Marg, Ramganj Bazar,  
Jaipur.
7. Bhagwan Sahai Sukla  
S/o Shri Satya Narayan Sukla,  
Aged about 42 years,  
R/o 19 Ganesh nagar-V, Nadi Ka Phatak, Murlipura,  
Benad Road, Jaipur.

.. Applicants in OA No.45/2005.

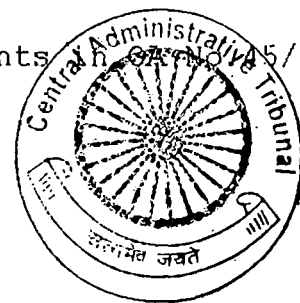
By Advocate : Shri P. V. Calla.

Vs.

1. The Union of India through  
General Manager,  
North Western Railway, Headquarter office,  
Opposite Railway Hospital, Jaipur.
2. The Railway Board,  
Ministry of Railways, Rail Bhawan,  
New Delhi through its Chairman.
3. The Chief Operation Manager (C.O.M.)  
North Western Railway,  
Office of General Manager,  
N.W.R. Opposite Railway Hospital,  
Jaipur.

.. Respondents in OA No.45/2005.

By Advocate : Shri S. S. Hassan.



: ORDER (ORAL) :

By this common order, we propose to decide both the OAs with their MAS (OA No.64/2004 and OA No.45/2005).

By virtue of these OAs, the applicants have challenged respondents orders RBE No.05/2004, PC-III/2003/CRC/6 dated 9.10.2003 issued by Railway Board read with partial modification made vide Ministry of Railway's letter dated 6.1.2004 in the above order dated 9.10.2003. These orders

6/11

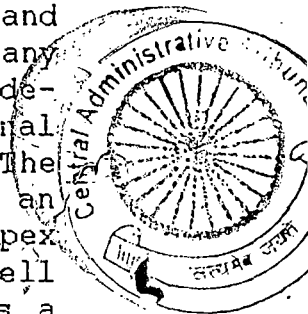
relate to merger of the post of Yard Masters, Traffic Inspectors with the post of SM/ASM.

2. It is not disputed that the issue involved in both the cases has been dealt with and disposed of vide order dated 31.1.2006 in OA No.2001, 2008 and 2010/2004. The observations and directions of the Tribunal are contained in Paragraph 53 and 55 of these orders, which read as follows :-

"53. Be that as it may, on going through the reply to the representation and the scheme of merger, the other ground of dissimilarity though not discussed but on these discussed grounds the decision of the railways to merge these categories is certainly unconstitutional and has altered the service conditions of the applicants retrospectively without affording an opportunity. No doubt Government as an administrative authority at its discretion and prerogative in the wisdom of policy may lay down any criteria declaring policy decisions, merger or de-merger of the cadres, but while doing so a rational and logical standard has to be maintained. The administrative action when tends to be based on an unintelligible differentia the decision of the Apex Court in **Hydro-Electric Employees, U.P. & Ors.** as well as in **Sisir Kumar Mohanty** (supra) where a merger as a policy decision has been interfered on account of different qualification and recruitment process would hold the filed.

55. In the result, for the foregoing reasons, all the three OAs are partly allowed and the order passed by the respondents on representation dated 23.7.2004 is set aside. Respondents are directed to re-examine the issue of merger of these categories and pass a detailed, speaking and reasoned order in the light of our observations, within three months from the date of receipt of the certified copy of this order till then, the merger shall not be further given effect to. Any action taken in the past shall be subject to the decision of the respondents. No costs."

3. In our considered view, the issue involved in the present cases is identical with that disposed of vide



aforesaid orders of the Tribunal dated 31.1.2006. As such, both the OAs are disposed of with a direction to the respondents "to re-examine the issue of merger of these categories and pass a detailed speaking and reasoned order in the light of observations made in <sup>aforesaid</sup> ~~the~~ Tribunals' orders dated 31.1.2006 within two months from the date of receipt of a certified copy of this order. Till then the merger shall not be given further effect to. Any action taken in the past shall be subject to the decision of the respondents. No costs."

4. In view of the order passed in the above OAs, no order is required to be passed in MA Nos.246/05, 21/06, 317/05 and 372/05 <sup>which</sup> ~~and~~ <sup>stands</sup> disposed of accordingly..

(M. L. CHAUDHAN)  
JUDICIAL MEMBER



(V. K. MAJOTRA)  
VICE CHAIRMAN

31-5-06

P.C./