

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 9th day of November, 2010

ORIGINAL APPLICATION NO. 410/2006

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

1. Tejveer Singh s/o Shri Ram Sahai, r/o Q.No.531-A, New Railway Colony, Kota
2. J.P.Sharma r/o Shri Roshan Lal Sharma resident of C/o CTI Office, Bharatpur.
3. Narayan Singh s/o Shri Dhan Singh, resident of C/o Divisional Chief Ticket Inspector Office, Kota.
4. R.C.Dixit resident of c/o Divisional Chief Ticket Inspector Office, Kota.
5. Vinod Kumar Jha s/o Shri Shaym Dev Jha, resident of c/o Divisional Chief Ticket Inspector Office, Kota.

.....Applicants

(By Advocate: Mr. P.V.Calla)

VERSUS

1. Union of India through General Manager, Western Central Railway, Railway Colony, Jabalpur.
2. Divisional Railway Manager, Western Central Railway, Near Railway Station, Kota.

.....Respondents

(By Advocate: Shri Tej Prakash Sharma)

ORDER (ORAL)

The applicants have filed this OA thereby praying for the following reliefs:-

- i) That this Hon'ble Tribunal may be pleased to allow the application under section 25 of Administrative Tribunal Act, 1985.

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- ii) That this Hon'ble Tribunal may be further pleased to direct the respondents to adjust the applicants/petitioners to the seniority of the petitioner as per order passed by the Hon'ble Delhi High Court on dated 19.8.2002.
- iii) That this Hon'ble Tribunal may be further pleased to direct the respondents to hold the selection in accordance the order dated 19.8.2002 passed by the Hon'ble High Court of Delhi on the subject and form a separate panels for each year in which the vacancies had occurred as per directions of the Hon'ble Court.
- iv) Any other order or direction which may be considered just and proper in the facts and circumstances of the case be passed in favour of the applicant.
- v) Cost of the OA may kindly be awarded to the applicant.

2. Briefly stated, facts of the case are that the applicants while working as Senior Ticket Collector grade Rs. 1200-2040 were eligible for promotion to the post of Head Ticket Collector (HTC)/Head Travelling Ticket Examiner (HTTE) grade Rs. 1400-2300. It is case of the applicants that they were sought to be reverted from HTC/HTTE grade Rs. 1400-2300 to the grade of Rs. 1200-2040 contrary to rule vide order dated 4.9.1996 and 13.9.1996. It is further case of the applicants that written examination was held for selection to the post of HTTC in the year 1995 by clubbing the vacancies for the years 1993 to 1996 and subsequently respondents vide order dated 4.9.1996 declared the panel of 42 candidates. The panel so prepared by the respondents vide order dated 4.9.96 was subject matter of dispute in OA No.2065/96. The said OA was allowed and the impugned order was quashed by holding that it was not permissible for the respondents to club the vacancies especially when the respondents have failed to carry out the selection for a particular year. The judgment rendered by the Tribunal was further upheld by the Delhi High Court in CWP No.5617/97, N.G.L.Goswami and ors. Vs Union of India and ors. vide order dated 19.8.2002. At this stage, it will be useful to quota para-10 of the judgment which thus reads:-

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"10. This writ petition is accordingly allowed. As a consequence the impugned judgment of the Tribunal as well as preparation of single panel made on 4.9.1996 is quashed. The respondents are directed to earmark yearwise vacancies and hold the selection against those vacancies. Since much time has elapsed, the respondents may complete the process within a period of four months from the date of receipt of copy of this judgment. Till that time the two petitioners shall not be reverted."

3. It is the benefit of this judgment which the applicants are claiming in this OA. It may be stated that earlier the applicants have filed OA No.2060/2004 and OA No.115/2005 before the Principal Bench and the Principal Bench vide separate order dated 6.9.2005 disposed of these OAs on the ground of territorial jurisdiction and liberty was given to the applicants to file OA before the appropriate bench. Accordingly, the applicants have filed this OA before this Tribunal.

4. The respondents have filed reply. The facts as stated above, have not been disputed. In the reply, the respondents have inter alia stated that the direction given by the Hon'ble High Court is only for those who were parties in the earlier writ petition No.5617/97 besides the question of limitation.

5. We have heard the learned counsel for the parties and gone through the material placed on record. As can be seen from Para-10 of the judgment, relevant portion of which has been reproduced above, the Hon'ble High Court has specifically quashed the panel made on 4.9.96. The Hon'ble High Court further directed the respondents to earmark the year-wise vacancies and hold the selection against those vacancies. Thus, the contention of the respondents that direction was for applicants/respondents in the aforesaid writ petition cannot be accepted. Admittedly, the panel dated 4.9.1996 was quashed. Thus, it was incumbent upon the respondents to carry out fresh selection as per

the earmark year-wise vacancies. Thus, we are of the view that the applicants have made out a case for grant of relief.

6. Accordingly, the respondents are directed to extend the benefit of the aforesaid judgments to the applicants within a period of two months from the date of receipt of a copy of this order.

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

8. In view of disposal of the OA, no order is required to be passed in MA Nos. 285/200 and 286/2006, which stand disposed of accordingly.

Anil Kumar
(ANIL KUMAR)
Admv. Member

M.L.Chauhan
(M.L.CHAUHAN)
Judl. Member

R/