

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No. 82/2006.

Jaipur, this the 7th day of March, 2006.

CORAM : Hon'ble Mr. M. L. Chauhan, Judicial Member.

1. Girraj Prasad Sharma
S/o Ram Sahay Sharma
Aged about 55 years,
R/o Narsingh Colony, Gangapur City.
2. Om Prakash Sharma
S/o Shri Ram Ji Lal Sharma,
Aged about 49 years,
R/o Chuligate, Gangapur City.
3. Prakash Chand Dixit
S/o Shri Bansidhar Dixit
Aged about 48 years,
R/o near G.R.P. Thana,
Gangapur City.
4. G. L. Pahuja
S/o Shri Hari Chand Pahuja
Aged about 53 years,
R/o 7/286/B, Railway Colony,
Gangapur City.
5. N. S. Shekhawat
S/o Shri Narayan Singh Shekhawat,
Aged about 49 years,
R/o Railway Colony, Gangapur City.
6. K. S. Saini
S/o Shri Narain Singh Saini
Aged about 50 years,
R/o Railway Colony, Gangapur City.
7. V. S. Sisodia
S/o Shri Veer Singh Sisodia
Aged about 53 years,
R/o 13 AB Krishna Nagar, Mathura (MTJ).
8. Suresh Chandra Sharma
S/o Shri Girraj Sharan Sharma
Aged about 52 years,
R/o Railway Quarter, Gangapur City.
9. S. K. Chaturvedi
S/o Shri S. K. Chaturvedi
Aged about 52 years,
R/o Railway Colony, Gangapur City.

10. Om Prakash Tiwari
S/o Shri Prabhu Lal Tiwari,
Aged about 52 years,
R/o Shubh Laxmi Mill
Behind Higher Secondary School,
Gangapur City.

All the applicants are working as Passenger Guard, in West Central Railway, Kota Division and posted at Gangapur City.

... Applicants

By Advocate : Shri S. C. Sethi.

Vs.

1. Union of India
Through General Manager,
West Central Railway,
Jabalpur.

2. Senior D.O.M.,
West Central Railway,
Kota Division,
Kota.

... Respondents.

By Advocate : Shri Anupam Agarwal.

: O R D E R (ORAL) :

The applicant has filed this OA thereby praying for the following reliefs :

"1. That by an appropriate order or direction the impugned eligibility list Annex. A/1 dated 6.2.2006 and the order for conducting examination Annex A/2 dated 21.2.2006 be quashed and set aside.

2. That the respondents be directed to fill up the post of Passenger Guard on the basis of circular dated 9.10.2003 and 6.1.2004 of the Railway Board and give promotion to the applicants and similarly situated persons

3. That all those persons who have been working on the post of Senior Goods Guards for more than two years be promoted on the basis of seniority on the post of Passenger Guard adopting procedure of lateral induction.

60

4. Any other relief which this Hon'ble Tribunal deems fit may also be granted to the humble applicants, looking to the facts and circumstances of the present case."

2. Briefly stated, the facts of the case are that the applicants are presently working as Passenger Guards in West Central Railway, Kota Division, and presently posted at Gangapur City, though they are substantive holder of the post of Senior Goods Guard. Vide order dated 6.2.2006 (Annexure A/1), the respondents prepared an eligibility list for the purpose of selection to the post of Passenger Guards in which the name of the applicants also find mention. The grievance of the applicants is that in view of the decision rendered by the Allahabad Bench in the case of Mithilesh Kumar & Ors. vs. UOI & Ors., OA No.1268/2004 decided on 1.2.2006, which decision is based on the decision rendered by the Allahabad Bench in earlier OA No.829/2001, Gulam Mustafa & Ors. vs. UOI & Ors., decided on 1.2.2003, which decision has also been upheld by the Hon'ble High court of Allahabad in CWP No.15196/2003, decided on 9.4.2003, the Senior Goods Guard cannot be subjected to written test for their induction as Passenger Guards. It is on these basis that the applicants have filed this OA thereby praying for the aforesaid reliefs. When the matter was listed for admission on 3.3.2006, a short notice was issued to the respondents and the matter was listed for 7.3.2006 as the respondents proposed to hold a written examination to the aforesaid post to be held on 11.3.2006.

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-4-

3. Today with the consent of both the parties counsel the matter is taken up for hearing. Learned Counsel for the respondents had produced order dated 6.3.2006 whereby the written examination for the post of Passenger Guards to be held on 11.3.2006 has been kept in abeyance till further orders. In view of this subsequent development, the present OA has become infructuous. However, it is made clear that in case the respondents proposed to hold the written examination for the post of Passenger Guard in future and it is also decided that the Senior Goods Guard shall also appear in the said written test, in that eventuality, the respondents are directed to give intimation to this effect either to the applicant or to Learned Counsel for the applicant at least 15 days before the proposed date of written examination so that the applicants can re-agitate the matter before this Tribunal by filing substantive OA.

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



(M. L. CHAUHAN)

JUDICIAL MEMBER

P.C./