

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

**ORDERS OF THE BENCH**

**Date of Order: 18.02.2013**

OA No. 280/2009

Ms. Namita Parihar, proxy counsel for  
Mr. R.C. Joshi, counsel for applicant.  
Mr. Anupam Agarwal, counsel for respondents.

This case pertains to Division Bench. Division Bench is not formed today.

At the request of learned counsel for the parties, put up the matter on 25.02.2013. I.R. to continue till the next date.

*Anil Kumar*  
(ANIL KUMAR)  
ADMINISTRATIVE MEMBER

Kumawat

25.02.2013

Mr. R.C. Joshi - counsel for applicant  
Mr. Anupam Agarwal - counsel for respondents

Heard the learned counsel for the parties.

For the reasons dictated separately  
the OA stands disposed of.

*Anil Kumar*  
(ANIL KUMAR)  
ADM. MEMBER

*K. S. Rathore*  
(JUSTICE K.S. RATHORE)  
Judicial Member

RJ

THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR

Monday, this the 25<sup>th</sup> day of February, 2013

ORIGINAL APPLICATION No.280/2009

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)  
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)

Bharat Lal Meena  
s/o late Shri Suraj Mal Meena,  
aged 45 years,  
r/o Plot No.12, Shahid D,  
Shiv Gorakh Nagar,  
Jagatpura Road,  
Jaipur, presently working as  
Chief Health Inspector Gr.I  
North Western Railway, Jaipur

.. Applicant

(By Advocate : Shri R.C.Joshi)

Versus

1. Union of India  
through General Manager,  
North Western Railway,  
Jaipur
2. Chief Personnel Officer (Gazetted),  
North Western Railway,  
Jaipur Zone, Central Hospital,  
Hasanpura Road, Jaipur
3. Divisional Railway Manager,  
Power House Road,  
Jaipur

4. Ratan Lal Banjara  
s/o Shri Pooran Mal Banjara,  
Chief Health Inspector,  
Phulera Junction.
5. Harsukh Rai Kuldeep,  
Health and Malaria Inspector,  
C/o Chief Medical Superintendent,  
North Western Railway,  
Ajmer.
6. Pradeep Kumar Meena  
Health and Malaria Inspector Gr.II,  
C/o Chief Medical Director,  
North Western Railway,  
Hasanpura Road,  
Jaipur.

.. Respondents

(By Advocate: Shri Anupam Agarwal)

O R D E R (ORAL)

This is third round of litigation. Earlier the applicant filed OA No.195/1998 challenging the order dated 18.3.1998 by which one Shri Ratan Lal Banjara was promoted on ad-hoc basis to the post of Health Inspector to the grade Rs. 1600-2660/5000-8000 on the ground that Shri Ratan Lal Banjara (respondent No.4) is junior to the applicant. The applicant also sought Writ of Quo Warranto against respondent No.4 for working on the post of Health Inspector on the ground that initial appointment of respondent No.4 was dehors the rules and he does not belong to SC community and the caste certificate submitted by him at the time of his initial appointment was false.



2. This Tribunal vide order 10<sup>th</sup> August, 2001 did not incline to go into the question in the OA as promotion of respondent No.4 to the grade of Rs. 6500-10500 has not been challenged and given liberty to the applicant to file afresh OA, if aggrieved. The said OA was dismissed as the cause of action was not made available to the applicant.

3. Thereafter, the applicant filed OA No.375/2001 and the same was allowed vide order dated 17.1.2003 with direction to the respondents to consider case of the applicant for promotion to the scale of Rs. 6500-10500, if he is otherwise found suitable as per rules. In the event he is considered fit and suitable, his promotion shall take effect from 14.2.2000 and he shall be entitled to all consequential benefits. The said order was to be implemented within four months from the date of receipt of copy of the order.

4. Aggrieved and dis-satisfied, the respondents preferred D.B. Civil Writ Petition No.7573/2003 before the Division Bench of the Hon'ble High Court. In view of the preemptive order, the Writ Petition was initially dismissed for non-prosecution. It is not

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disputed that the said Writ Petition has now been restored at its original number and is still pending consideration.

5. The present OA is directed against the eligibility list dated 15.6.2009, the notification dated 17.6.2009 (Ann.A/1) and seniority list dated 24.3.2009 (Ann.A/2). The main challenge to these orders is on the ground that the judgment of this Tribunal has not been implemented on the premise that the Writ Petition has been filed by the respondents. The applicant has further averred that if the applicant is treated as an appointee in the scale Rs. 6500-10500 w.e.f. 14.2.2000, he will automatically rank senior to respondent No.4, Har Sukh Rai Kuldeep and Pradeep Kumar Meena. The applicant is only seeking to prepare seniority list and eligibility list in accordance with the judgment passed by this Tribunal treating the applicant as an appointed in scale Rs. 6500-10500 w.e.f. 14.2.2000. It is not disputed that the Writ Petition is still pending consideration and the order passed by this Tribunal in OA No.375/2001 dated 17.1.2003 could not be implemented due to pendency of Writ Petition.

7. In such eventuality, we are not inclined to unnecessary keep the present OA pending till the disposal of the Writ Petition and are of the view that the present OA can be disposed of

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subject to the final outcome of the Writ Petition pending before the Division Bench of the High Court. Accordingly, the present OA is disposed of in view of the final outcome of the Writ Petition No. 7573/2003 pending before the Division Bench of the Hon'ble High Court and respondents are directed to act accordingly in the matter.

7. The OA stands disposed of in the above terms with no order as to costs.

8. The interim stay issued on 7.7.2009 shall stand vacated.



(ANIL KUMAR)  
Admv. Member



(JUSTICE K.S.RATHORE)  
Judl. Member

R/