

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 15th day of January, 2010

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

1. **ORIGINAL APPLICATION NO. 284/2009**

Manoranjan Das son of Late Shri Kartik Chandra Das aged about 51 years, resident of Railway Quarter No. 163 EC, behind ADEN Bungalow, Near Church Ground, Gangapur City, Rajasthan. At present employed on the post of Driver (RCRV-MMU) under Section Engineer (N), P. Way Gangapur City, Western Central Railway, Kota Division.

...APPLICANT

(By Advocate: Mr. Shiv Kumar)

VERSUS

1. Union of India through General Manager, Western Central Railway, Jabalpur (MP).
2. Divisional Railway Manager (Estt.), Western Central Railway, Kota Division, Kota, Rajasthan.

...RESPONDENTS

(By Advocate: R. G. Gupta)

2. **ORIGINAL APPLICATION NO. 285/2009**

Abdul Rehman son of Chotu Khan aged about 54 years, resident of Behind Railway Station, Chotu Bhagwan Ki Baggihi, Gangapur City, Rajasthan. At present employed on the post of Driver (CRRV-MMU) under Section Engineer (N), P. Way Gangapur City, Western Central Railway, Kota Division

APPLICANT

(By Advocate: Mr. Shiv Kumar)

VERSUS

1. Union of India through General Manager, Western Central Railway, Jabalpur (MP).
2. Divisional Railway Manager (Estt.), Western Central Railway, Kota Division, Kota, Rajasthan.

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.....RESPONDENTS

(By Advocate: R.G. Gupta)

3. ORIGINAL APPLICATION NO. 286/2009

Rajesh Kumar son of Late Shri Moolchand aged about 48 years, resident of Railway Quarter No. 202 E/A, Railway Loco Colony, Bayana Rajasthan. At present employed on the post of Driver under Senior Section Engineer (N), P. Way, Bayana, Western Central Railway, Kota Division.

.APPLICANT

(By Advocate: Mr. Shiv Kumar)

VERSUS

1. Union of India through General Manager, Western Central Railway, Jabalpur (MP).
2. Divisional Railway Manager (Estt.), Western Central Railway, Kota Division, Kota, Rajasthan.

.....RESPONDENTS

(By Advocate: R.G. Gupta)

ORDER (ORAL)

By way of this common order, we propose of dispose of these three OAs as common question of law & fact is involved.

2. Briefly stated facts of the case are that the respondents took steps for filling up the post of RCRVMMU Mobile Truck Driver in terms of notification dated 25.03.2009 (Annexure A/8) whereby persons in the pay scale of Rs.5200-20200/- plus 1800 were made eligible for consideration for the aforesaid post. Although the applicants were in the aforesaid pay scale but their names was not included in the eligibility list. Feeling aggrieved by the action of the respondents, the applicants have filed these aforesaid OAs before this Tribunal.

3. This Tribunal while issuing notice permitted the applicants to appear provisionally in the trade test to be held for the RCRVMMU Mobile Truck Driver as advertised vide notification dated 25.03.2009

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(Annexure A/8). It was further ordered that the result of the applicants shall be kept in sealed cover till further orders.

4. The respondents have filed their reply. The stand taken by the respondents was that no doubt the applicants were in the aforesaid scale but they were casual Truck Driver and their services has not been regularized and they do not fulfill the condition No. 7 of the notification dated 25.03.2009 (Annexure A/8).

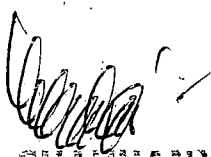
5. The applicants have filed rejoinder thereby annexing the documents in order to show that the service of the applicants has already been regularized against Group 'D' post.

6. In view of this averment made by the applicant in the rejoinder, the respondents were directed to file Additional Affidavit. The respondents have filed Additional Affidavit thereby contending that the applicants were eligible for consideration against the post of RCRVMMU Mobile Truck Driver as advertised vide notification dated 25.03.2009 (Annexure A/8). It has been specifically stated in the Additional Affidavit that their names have also been included in the eligibility list (Annexure A/1) at appropriate place vide letter No. 06.01.2010.

7. In view of what has been stated above, the present OAs does not survive now as the names of the applicants have been included in the eligibility list and they are eligible to appear in the trade test for the post of RCRVMMU Mobile Truck Driver. The respondents are also directed to declare the result of the applicants pursuant to the aforesaid selection.

8. With these observations, these OAs are disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUDHAN)
MEMBER (J)

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