

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR**

**ORIGINAL APPLICATION NO. 437/2009
With
MISC. APPLICATION NO.325/2009
&
MISC APPLICATION No.353/2009**

Date of Order: 29/01/2010

CORAM:

**HON'BLE Dr. K.S. SUGATHAN, ADMINISTRATIVE MEMBER
HON'BLE Dr. K.B. SURESH, JUDICIAL MEMBER**

1. Birdhi Lal S/o Shri Panchu, aged about 50 years, R/o Plot No.-131, Ashok Nagar, Tonk Road, Kherda, Swaimadhopur, Rajasthan at present employed on the post of Permanent Way Supervisor (PWS), Swaimadhopur, under Senior Section Engineer (PW) Swaimadhopur in Western Central Railway, Kota Division, Rajasthan.
2. Farook S/o Shri Mustak Ahmed, aged about 35 years, R/o Village- Kutakpur, post office -Shenal, Tehsil-Hindon, District-Bharatpur, Rajasthan at present employed on the post of Senior Permanent Way Supervisor at Hindon under Senior Section Engineer (PW) Hindon, in Western Central Railway, Kota Division.
3. Hari Singh S/o Shri Khem Chand, R/o Agarsen Colony, Bayana, District-Bharatpur, Rajasthan at present employed on the post of Permanent Way Supervisor (PWS) Lakheri, under Senior Section Engineer (PW) Lakheri in Western Central Railway, Kota Division, Rajasthan.

....Applicants

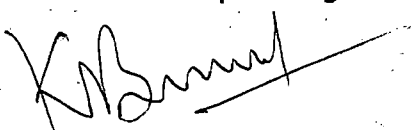
Mr. Shiv Kumar, Counsel for applicants.

VERSUS

1. Union of India through General Manager, Western Central Railway, Jabalpur, (MP).
2. Chairman, Railway Board, Rail Bhawan, New Delhi.
3. General Manager (P), Western Central Railway, Jabalpur (MP).
4. Senior Divisional Personnel Officer, Western Central Railway, Kota Division, Kota, Rajasthan.

....Respondents.

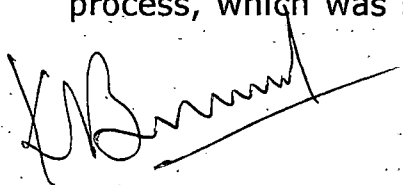
Mr. Anupam Agarwal, counsel for respondents.



ORDER**(Per Hon'ble Dr. K.B. Suresh, Judicial Member)**

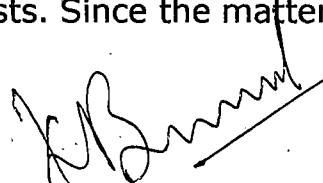
After discussion at the bar, it transpires that; following a decision of this Tribunal which was also upheld by the Hon'ble High Court, a decision was taken by the Railway to cancel the applicants' earlier empanelment and based on a question of merit alone to empanel persons. It would appear that out of 12 persons to be thus selected the applicants, who were earlier in the list, were thrown out, apparently to the position of 13, 14 & 15. The applicants would point out that subsequent to the filing of the Original Application the situational matter has undergone a change in that; for a variety of reasons, three posts have become vacant. He would point out that even though one post among them is in Scheduled Caste category but lying vacant for more than a year that filling it up for non-reserve category and to adjust it may not be infeasible as the short fall can be adjusted in the next selection.

2. They would claim that following the earlier procedure they were rightfully selected and were empanelled but unfortunately for them their selection were overturned and therefore, they had approached the Tribunal again to such justice. They would claim that there exist in them legitimate expectations. On twin grounds of his been selected rationally and legally in the earlier selection process, which was set aside due to no fault of his and the next

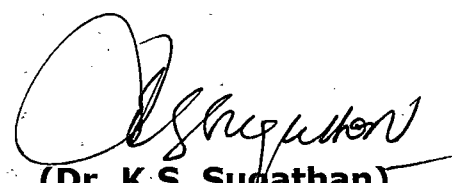


ground of being 13,14 & 15 in the zone of consideration while 03 posts are vacant. Therefore, they would aver that their cause also be considered as they are next in line.

3. In the factual situation, thus having arisen and the requirement of filling the posts as early as possible and legitimate or not expectations of the applicant who had been in the panel. Once, we deem it proper to direct the respondents to consider the names of the applicants to the posts thus became vacant in the panel. The applicants may be given a chance to be heard and their case also may be considered with all due merit and consideration. The O.A. is disposed as above. No order as to costs. Since the matter is being disposed of MA's stand dismissed.



(Dr. K.B. Suresh)
Member Judicial



(Dr. K.S. Sugathan)
Member Administrative

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