

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

C.P. No. 275/2017
O.A. No. 3312/2010

New Delhi, this the 31st day of October, 2017

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)**

Rakesh Babbar,
S/o Shri Bhagwan Das,
R/o KD-172, Pitampura, Delhi. .. Petitioner

(By Advocate : Shri Ravi Kant Jain)

Versus

1. Sh. R.K. Kulshrestha,
General Manager,
Northern Railway,
Baroda House, New Delhi.
2. Shri Iranius Tirkey,
Divisional Personnel Officer,
Northern Railway,
Baroda House, New Delhi. .. Respondents

(By Advocate: Shri V.S.R. Krishna with Shri Shailendra Tiwary)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard both the sides.

2. This Tribunal disposed of the O.A. No.3312/2010 vide order dated 11.05.2016 as under:

“15. Considering the totality of the facts and circumstances of the case, we dispose of the present O.A. by issuing the following directions:

- (1) The General Manager, Northern Railway (respondent no.1) shall call for the relevant records from respondent no.2 and examine the same to find out as to how many vacancies out of the aforesaid 64 vacancies in the cadre of Goods Supervisors arising as on 1.11.2003 remained to be filled with effect from 1.11.2003 as per the provisions of the Recruitment Rules.
- (2) Thereafter, the respondent no.1 shall examine the claim of the applicants for consideration of their cases for promotion to the grade of Goods Supervisors with effect from 1.11.2003 and take appropriate decision.
- (3) The respondent no.1 shall complete the whole exercise and communicate its decision to the applicants within three months from today.

15. With the above observation and direction, the O.A. is partly allowed to the extent indicated above. No costs.”

3. The respondents in compliance of the aforesaid orders passed the speaking order dated 06.07.2017, which is enclosed with the compliance affidavit filed by them and the relevant paragraphs of the same read as under:

“1. That the cadre of goods clerk was restructured vide DPO’s letter No.561E/627/Goods/P-2 dated 14.03.2005 as per Railway Board’s L/No.PC-III/2003/CRC/6 dated 09.10.2003 circulated under P.S. No.11466 and it is found that the cadre of goods clerk has been restructured correctly.

2. That initially, promotions to the post of Goods Supervisor scale Rs.5500-9000 from the post of Head Goods Clerk scale Rs.5000-8000 under cadre restructuring were made assessing the vacancies for only 75% PQ (Existing Vacancy + Upgraded Vacancies + Chain Vacancy of higher grade) vide DPO/DLI’s L/No.758-E/693/P-2 dated 01.05.2006 (in which, the result of 06 candidates were in sealed cover).

3. That subsequently, as per orders in OA No.1646/2007 and MA No.1677/2007 filed by All India OBC Railway Employees Association/SSB Branch through Secretary, Sh. Daryao Singh & Sh. Rakesh Babbar, and on a review of the assessment of vacancies in accordance with the instructions contained in Para-15 of Railway Board’s L/No.PC-III/2003/CRC/6 dated 09.10.2003 circulated under P.S. No.11466, vacancies of Good

Supervisor Scale Rs.5500-9000 against the 25% DQ/IQ, which were earlier not taken into consideration, 7 more posts were filled up w.e.f. 01.11.2003 vide this office letter No.758E/693/Pt-I/P-2 dated 19.12.2008.

4. In compliance to Hon'ble Tribunal's orders above and re-assessing the position, it was found that in terms of para-15 of Railway Board's Letter No.PC-III/2003/CRC/6 dated 09.10.2003 circulated under P.S. No.11466, the posts arising out of restructuring were also kept reserved for direct recruitment, which was not to be done as in terms of aforesaid letter, the direct recruitment percentage would apply only for normal vacancies and not for restructuring vacancies. On re-assessment of the vacancies on account of restructuring, the communal break-up of vacancies would be as follows:-

52-UR, 9-SC & 4-ST

5. The Division has initiated necessary exercise for promoting the staff against balance vacancies against the extended zone of 52 UR vacancies and as per the same, the junior most staff of UR category under consideration is at S.N.52 in the seniority list, whereas the names of the applicants are at S.No.55, 56, 57 & 61, as such they do not fall under the zone of consideration of UR category vacancies.

6. Hence, they are not eligible to be given the benefit of promotion to the post of Goods Supervisor Grade Rs.5500-9000 under cadre-restructuring w.e.f. 01.11.2003 even under the revised assessment of vacancies."

4. In the circumstances, we are satisfied that the respondents have substantially complied with the orders of this Tribunal. Accordingly, the CP is closed and notices are discharged. However, the petitioner is at liberty to question the orders now passed by the respondents, if he is still aggrieved, in accordance with law.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

/Jyoti/