

**Central Administrative Tribunal
Principal Bench**

**CP No.373/2015
In
OA No.1453/2015
MA No.1311/2015**

New Delhi, this the 18th day of November, 2015

**Hon'ble Mr. Shekhar Agarwal, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)**

1. Neelabh Saxena, age 39 years,
S/o B.S. Saxena,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o -11/530 M.P. Nagar,
Bikaner, Rajasthan.
2. Shobha Ram Teli, age 41 years,
S/o Shri Mohan Lal,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o Railway Colony, Sadar Bazar Hurda Dist. Rajasthan.
3. Pawan Kumar Yadav, Age 47 years,
S/o Shri Jitemal Yadav,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o Railway Colony, Vivek Nagar Lal Ghar. Rajasthan.
4. Ajay Kumar Sharma, Age 36 years,
S/o Shri Late Banwari,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o Railway Colony Chutia Kunwa Bikaner, Rajasthan.
5. Rajesh Pilania, Age 29 years,
S/o Shri Bharat Singh,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o 19/20 Railway Colony Ram Pura Basti Bikaner, Rajasthan.
6. Manak Lal, Age 30 years,
S/o Shri Mula Ram,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o Railway Colony, Rani Bazar Bikaner, Rajasthan.
7. Imran Khan, Age 33 years,
S/o Shri Ali Khan,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o 24 Railway Colony, Rampura Basti Bikaner, Rajasthan.

8. Shyam Sunder Swami, Age 44 years,
S/o Shri Babu Lal,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o Railway Colony, Vivek Nagar Lal Ghar. Rajasthan.
9. Sanjay Kumar Prajapti, Age 42 years,
S/o Shri Surja Ram,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o Railway Colony, Near Hanuman Mandir Bikaner, Rajasthan.
10. Rijwan Ahmad, Age 32 years,
S/o Shri Mahbub Alam,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o 1/k/16, Railway Colony, Pawan Puri Bikaner, Rajasthan.
11. Satish Chand, Age 56 years,
S/o Shri Tulsi Ram Mishra,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o Railway Colony Rani Bazar Bikaner, Rajasthan.
12. Jai Bhagwan Singh, Age 56 years,
S/o Shri Lal Singh,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o Rani Bazar Bast Bikaner, Rajasthan.
13. Ram Kumar Verma, Age 36 years,
S/o Shri Baktu Ram Verma,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o 1/KA-13 Pawan Puri Bikaner, Rajasthan.
14. Ravinder Kumar Solanki, Age 42 years,
S/o Shri Ram Lal Solanki,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o – Railway Colony Chand Mal Park Bikaner,
Rajasthan.
15. Shri Pradeep Kumar, Age 37 years,
S/o Shri Hira Lal Prasad,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o- 17 B Railway Colony Bikaner, Rajasthan.
16. Dilip Kumar, Age 32 years,
S/o Shri Pasupat Nath Prasad,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o – 121- B Railway colony, Hanuman Mandir Bikaner,
Rajasthan.

17. Bhanwar Singh, age 35 years,
S/o Shri Chhtar Singh,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o 4/352 M.P. Railway Colony Pawan Puri Bikaner
18. Vijay Kumar, Age 38 years,
S/o Shri Ram Narayan Mishtri,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o- 2/13 Pawan Puri Bikaner, Rajasthan.
19. Ashish Ghosh, age 38 years,
S/o Shri Khagender Nath Ghosh,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o 1/KA-14 Pawan Puri Bikaner, Rajasthan.
20. Chandrakant Kumar, Age 30 years,
S/o Shri Naresh Prasad,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o Rani Bazar Bast Bikaner, Rajasthan.
21. Deepak Kumar Tiwari, Age 46 years,
S/o Shri Amar Chand Tiwari,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o B—2/128 Railway Colony Bikaner,
Rajasthan.
22. Mritunjay Kumar Singh, Age 37 years,
S/o Shri Vinay Krishan Prasad,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o – 121-c Railway Colony, Hanuman Mandir Bikaner, Rajasthan.
23. Bhupender Kumar Yadav, Age 43 yeaqrs,
S/o Shri Jay Lal Ram Yadav,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o H.No.-68, Near Hanuman Nagar Bikaner, Rajasthan.
24. Umesh Kumar Sharma, Age 47 years,
S/o Shri Late YejRaj Sharma,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o L-47-E, Railway Colony Hishar Haryana.
25. Ramesh Sahani, Age 34 years,
S/o Shri Upender Sahani,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o – Railway Colony Rani Bazar Bikaner, Rajasthan.

26. Shiv Kumar, Age 37 years,
S/o Shri Om Prakash,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o-180-B-1 Manohar Colony Patel Nagar, Hisar.
27. Rakesh Kumar, Age 32 years,
S/o Shri Prem Pal Singh,
Loco Pilot (Goods)
Under DRM Bikaner,
R/o-1559- A Motipura Patej Hisar, Haryana.
28. Upendra Sharma, Age 34 years,
S/o Shri Bikaram Sharma,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o-144-C B.R. Railway Colony Hisar, Haryana.
29. Sanjay Kumar Gupta, Age 37 years,
S/o Shri Shyam Bihari Gupta,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o H.No.25 Ekta Nagar, Hisar, Haryana.
30. Nirmal Jain, Age 36 years,
S/o Shri Sikander Chand Jain,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o H.No.-2, Vikash Nagar Gali No.-4 Gorgan.
31. Jitender Yadav, Age 32 years,
S/o Shri Balbir Singh,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o H.No.-2, Vikash Nagar Gali No.-4 Gorgan.
32. Amit Kumar Yadav, Age 32 years,
S/o Shri K.C. Yadav,
Loco Pilot (Goods),
Under DRM Bikaner,
R/o H.N.-4 Vikash Nagar Rewari, Haryana.

...applicants

(By Advocate : Ms. Meenu Mainee)

Versus

Union of India : Through

1. Shri P.C. Gajbhiye,
Secretary,
Railway Board,
Rail Bhawan, New Delhi.

2. Shri Anil Kumar Singhal,
General Manager,
North Western Railway Jaipur.
3. Shri R.K. Saxena,
Divisional Railway Manager,
North Western Railway, Bikaner.
4. Shri Kailash Pawar,
Sr. DPO,
Divisional Railway Manager Office,
North Western Railway Bikaner.

...respondents.

(By Advocate : Shri V.S.R. Krishna with Shri A.K. Srivastava, proxy counsel for
Shri Shaileendra Tiwari and Shri Gaya Prasad)

ORDER (ORAL)

Mr. Shekhar Agarwal, Member (A) :-

This Contempt Petition has been filed for the alleged disobedience of the order of this Tribunal dated 07.05.2015, the operative part of which reads as under :-

“4. We have heard the submissions of the learned counsel. As held by this Tribunal in the case of **All India Equity Forum and Others** (supra), unless the Respondents works out and apply the conditions laid down by the Apex Court in **M. Nagaraj's case** (supra), the SC/ST candidates cannot be given reservation promotion. We, therefore, direct the Registry to issued notice to the Respondents returnable on 21.05.2015.

5. In the meanwhile, the Respondents No.1 to 3 are restrained from acting upon the seniority list dated 30.01.2014 to give promotions to the officials who are juniors to the Applicants but have been promoted in supersession of them following the Reservations Policy.”

2. The respondents have filed the compliance affidavit stating that there has been no disobedience of the aforesaid order.
3. Today when the matter was taken up for consideration, learned counsel for alleged contemnors Shri V.S.R. Krishna stated that by the order dated 07.05.2015, this Tribunal had restrained the respondents from operating the seniority list dated 30.01.2014. The learned counsel further stated that this

seniority list pertains to Loco Pilot (Goods) and has not been acted upon by the respondents so far. However, the order dated 13.05.2015 passed by the respondents, which the petitioners has alleged to be contemptuous has been passed by respondents acting upon the seniority list of Loco Pilot (Passenger). Learned counsel for applicant has stated that she was against the accelerated promotion granted to the private respondents.

4. In view of the aforesaid submissions, we are of the view that no contempt is made out in the present case and the same is accordingly closed. Notices issued to the alleged contemnors stand discharged. No costs.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

'rk'