

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**O.A No. 1194/1998
With
O.A No. 965/2002, O.A 1057/2002 and
O.A 2055/2000**

New Delhi, this the 10th day of September, 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Ms. Aradhana Johri, Member (A)

O.A No. 1194/1998 :

V. P. Singh S/o. Late Shri V. N. Singh,
Resident of 27/A, Miling Tonia,
Avenue, Bandaria Bagh,
Lucknow, U.P.

....Applicant

(None)

Versus

1. The Secretary,
Railway Board, Rail Bhawan,
New Delhi.
2. Shri Anurag Jain
3. Shri Nikhil Pandey
4. Shri Manoj Mahajan
5. Shri Sanjay Agarwal
6. Shri Pramod Kumar
7. Shri Satish Kothari
8. Shri Ajay K. Singhal
9. Shri Ajit Sharma
10. Shri Alok Nath Mathur
11. Shri Ravilesh Kumar

12. Shri Amitabh Nigam
13. Shri Randhawa Suhag
14. Shri Jaideep Gupta
15. Shri Satendra V. Singh
16. Shri Ashwani K. Kalia
17. Shri T. G. Singh
18. Shri Anil Kumar Mathur
19. Anil Kumar Shukla

(Through Secretary, Railway Board,
Rail Bhawan, New Delhi).

....Respondents

(By Advocate : Mr. Krishna Kumar with Mr. A. K.
Srivastava)

(2) O.A. No. 965/2002

1. Shri Harpal Singh
DSE, Patel Nagar Station,
New Delhi.
2. Yogesh Kr. Mishra
C-1, 1416, Vasant Kunj,
New Delhi.
3. Veer Narayan
DSE, Bruidge Workshop,
Charbagh, Lucknow.
4. Arvind Kr. Singh,
Director/B & S,RDSO, Lucknow.
5. R.B. Yadav
Dy. CE/C, N.E. Railway,
Lucknow.

...Applicants

(None)

Versus

1. Union of India through
Secretary, Railway Board,
Rail Bhawan, New Delhi
2. Director,
Indian Railway Institute of
Civil Engineering, Pune
3. Rajesh Arora,
C/o G.M. Northern Railway
Baroda House, New Delhi
4. Pramod Kr. Singh
C/o G.M. Eastern Railway
Kolkata
5. Ravi Mohan Sharma
C/o GM, Western Railway
Churchgate, Mumbai
6. Ashutosh Rankawat
C/o GM, Western Railway
Churchgate, Mumbai
7. Shyam Sunder
C/o GM, Northern Railway
Baroda House, New Delhi
8. Keshavmani Shirish
C/o GM, North Eastern Railway
Gorakhpur
9. Amar Prakash Dwidi
C/o GM, Eastern Railway, Kolkata.
10. Rajiv Soni,
C/o GM, Northern Railway
Baroda House, New Delhi.
11. Anup Kr. Agarwal
C/o GM, Western Railway
Churchgate, Mumbai.
12. Girdhari Lal Goel,
C/o GM, Southern Railway
Chennai.

13. Sanjay K. Garg
C/o GM, Central Railway, CST
Mumbai.
 14. Anil Kr. Khandelwal
C/o GM, South Central Railway
Secunderabad.
 15. Mukesh Kr. Gupta
C/o GM, Western Railway,
Churchgate, Mumbai.
 16. Rajiv Kr. Roy
C/o GM, Western Railway,
Churchgate, Mumbai.
 17. Sharad Kr. Jain
C/o GM, Western Railway,
Churchgate, Mumbai.
 18. Rajeev Soni,
C/o GM, Northern Railway,
Baroda House, New Delhi.Respondents
- (By Advocate : Mr. Krishna Kumar and Shri A. K. Srivastava)

(3) O.A. No. 1057/2002

1. Shri Vijay Nathawat,
Director/B&S/
RDSO, Manaknagar, Lucknow,
New Delhi.
 2. Shri R.N. Singh,
54-D, SP Marg Colony,
New Delhi.
 3. Shri Sushil Kumar,
Sr. Divisional Engineer/Eastern,
Railway, Sealdah, W. Bengal.Applicants
- (None)

Versus

1. Union of India through
Secretary, Railway Board,
Rail Bhawan, New Delhi.
2. Director,
Indian Railway Institute of
Civil Engineering, Pune.
3. Vinay Singh, IRSE,
C/o Director General, RDSO
Lucknow.
4. R.K. 65aE, IRSE
C/o General Manager,
Western Railway, Mumbai.
5. S.K. Jha, IRSE
C/o General Manager,
Eastern Railway, Calcutta.
6. S.K. Lohia, IRSE
C/o General Manager,
Northern Railway, New Delhi.
7. K.K. Agarwal, IRSE
C/o General Manager, Northern Railway,
New Delhi.
8. M. G. Banga, IRSE,
Deputy Secretary,
Ministry of Mines, New Delhi. ...Respondents

(Advocate : Mr. Krishna Kumar and Mr. A. K. Srivastava)

(4) O.A No. 2055/2000

Shri Chhatrasal Singh
S/o. Shri C. P. Singh,
R/o. 123, Railway Officers Colony,
Moradabad – 244 001.Applicant

(None)

Versus

1. Secretary,
Railway Board, Rail Bhawan,
New Delhi.

2. Principal,
Railway Staff College,
Lal Bagh, Vadodara.
3. Shri P. Raveendran,
Through General Manger,
Southern Railway, Chennai.
4. Ms. Rajni Bala,
Through General Manager,
Metro Railway, Calcutta.
5. Shri Mukul Jain,
Through General Manager,
Central Railway, Mumbai.
6. Shri Mukul Saran Mathur,
Through General Manager,
Central Railway, Mumbai.
7. Shri R. Dhananjayulu,
Through General Manager,
South Central Railway,
Secunderabad.

....Respondents

(By Advocate : Mr. Krishan Kumar with Mr. A. K. Srivastava)

O R D E R (O R A L)

Justice L. Narasimha Reddy, Chairman :

The four O.As are listed for hearing before this Full Bench after they have been remanded by the Hon'ble Delhi High Court through its judgment dated 04.11.2015 in W.P. (C) No. 139/2000 and batch. We are also informed that S.L.P. No.12007/2016 and batch filed before the Hon'ble Supreme Court against the judgment of the Delhi High Court was dismissed through order dated 19.4.2017.

Therefore, the judgment of the Hon'ble High Court needs to be implemented in its entirety.

2. The Four O.As were filed by the officers of the Indian Railway Accounts Services (IRAS) and other Railway Services of different batches. Their common grievance was that, the inter se seniority of the officers in each of the batches was being determined by applying office memorandum dated 03.07.1987, according to which, the evaluation at the end of the probationary training is made for 1250 marks and thereby the ranking assigned by the UPSC at the time of selection is virtually rendered redundant.

3. After hearing the parties at length and on consideration of the various aspects involved, the Tribunal passed a detailed order on 10.09.1999 allowing the O.As, and batch setting aside the O.M. dated 03.07.1987. Certain aggrieved candidates as well as the Railways filed Writ Petitions before the Hon'ble High Court. The various contentions advanced by the parties were examined in detail and the Hon'ble High Court through its judgment dated 04.11.2015 has set aside the order passed by the Tribunal in these O.As.

4. The memo dated 03.07.1987 was upheld by the High Court and was made applicable with the condition that the evaluation by the Director for 350 marks, shall not be treated as part of the exercise. The O.As were remanded for issuance of suitable directions, in the light of the judgment.

5. Today, there is no representation from the applicants. We heard Mr. Krishna Kumar, learned counsel for respondents and perused the records.

6. The main grievance of the applicants in the O.As was against the O.M. dated 03.07.1987. A perusal of the memo discloses that the marks were to be allocated under four heads namely 300 marks for Foundation Induction Course, 300 marks for Training in Professional Institute, 300 marks for departmental examination and 350 marks for Director's/Probationary training controlling officer's assessment. The result was that the ranking assigned by the UPSC ceased to be the sole basis for determination of the seniority of the officers of any given batch. The O.A. was allowed, setting aside the O.M. However, the order in the OA was reversed by the High Court. Once the O.M.

dated 03.07.1987 is restored, the seniority needs to be fixed as between officers of a batch, not only by taking into account, the ranking assigned by the UPSC, but also, evaluation made at the end of the probationary training.

7. Hon'ble Delhi High Court found that Director's Assessment, which is for 350 marks, would result in a purely subjective evaluation leading to arbitrariness and accordingly that was directed to be deleted from the scheme of evaluation, at the end of probationary training. The result is that the only marks which are secured by the candidates under the three heads viz. (a) Fundamental & Induction Course (b) Training in Professional Institute and (c) Departmental examination needs to be taken into account for the total of 900 as against 1250, after exclusion of 350 marks of Director's evaluation. It is based on these marks as well as ranking assigned by the UPSC that the final seniority of the candidates, who have undergone the probation training, must be fixed. The necessary work in this regard needs to be undertaken by the Railway Administration. We are handicapped from going into further details on account of lack of assistance of any form whatever from the side of the applicants.

8. With these directions, we dispose of the O.As in terms of the Judgment of the Hon'ble Delhi High Court referred above. It is made clear that the directions that are being given in this O.A, shall be confined to the batches (1986 to 1988 batches) from which the applicants herein hail from.

9. There shall be no order as to costs.

(Aradhana Johri)

(Nita Chowdhury) (Justice L. Narasimha Reddy)

Member (A)

Member (A)

Chairman

/Mbt/