

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...

**ORIGINAL APPLICATION No.060/00505/2018 &  
MA No.060/00645/2018**

**Chandigarh, this the 25<sup>th</sup> day of January, 2019**

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)  
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

...

1. All India Equality Forum (Regd.) through its Zonal Secretary, Sh. Jai Pal Singh Phogat, son of Sh. Jage Ram Phogat, age 53 years, working as Tech-I in the office of Rail Coach Factory, Kapurthala, Punjab.
2. Kulbir Singh S/o Sh. Balwinder Singh, age 34 years, Jr. Clerk, Group-C, Work place RE / Ambala.
3. Jagdeep Singh S/o Late Sh. Shivdev Singh, age 30 years, Jr. Clerk, Work Place, CMO Office, RCF Kapurthala.
4. Sourabh S/o Sh. Ashok Kumar, aged 30 years, Jr. Clerk, Workplace General Branch/RFC/Kapurthala, (Group-C employees).

**....APPLICANTS**

**(Present: Mr. Dinesh Kumar, Advocate)**

**VERSUS**

1. Union of India through its Secretary, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi.
2. Rail Coach Factory through its General Manager, Kapurthala.
3. General Manager (Personnel)/Chief Personnel Officer, Rail Coach Factory, Kapurthala.

**....RESPONDENTS**

**(Present: Mr. Lakhinder Bir Singh, Advocate)**

**ORDER (Oral)**

***SANJEEV KAUSHIK, MEMBER (J):-***

1. Present O.A. has been filed by the applicants seeking the following relief(s):-
  - i. Quash impugned notification dated 19.02.2018 (A/1), to the extent of providing reservation in promotion to the post of Sr. Clerk-cum-Typist and all other consequential orders and further hold the reply dated 03/05.4.2018 (Annexure A/16A) as vague and contrary to law.
  - ii. Respondents be restrained from making any promotion to the post of Sr. Clerk-cum-Typist on the basis of reservation.
  - iii. Issuance of direction to the respondents to proceed with promotion to the post of Sr. Clerk-cum-Typist in pursuance of Annexure A/1 without the element of reservation.
2. MA No.060/00645/2018 is allowed permitting the applicants to file a joint Original Application (OA).
3. After exchange of pleadings matter came up for hearing today, when learned counsel for the applicants very fairly submitted that issue involved in this O.A. has come up before the Principal Bench of the Tribunal in O.A. No.3420/2014 titled **Mukesh Kumar Sharma and Ors. vs. UOI & Ors.** decided on 8.1.2019, whereby matter was remitted back to the respondents to decide the indicated controversy by calling applications from both the parties and thereafter decide the matter in accordance with the law laid down in the case of **M. Nagraj & Ors. vs. UOI & Ors.** (2006 (8) SCC 212) and **Jarnail Singh & Ors. vs. Lachhmi Narain Gupta & Ors.** SLP (C ) No.30621/2011 decided on 26.09.2018 within a period of four weeks from the date of receipt of certified copy of that order. Therefore, he prayed that this petition be also disposed of in the same terms by reiterating aforesaid direction.

4. Sh. Lakhinder Bir Singh, learned counsel for the respondents does not raise any objection to disposal of the O.A. in the above terms and submitted that interim order has been granted in another case, therefore, possibly, respondents cannot not violate the order.
5. Accordingly, the O.A. stands disposed of in the same terms as in the case of Mukesh Kumar Sharma and Ors. (supra). Relevant para of which reads as under:-

"9. In these circumstances, and in view of the decisions of the Constitution Bench of the Hon'ble Apex Court in M. Nagaraj (supra) and Jarnail Singh and Others (supra), the OA is disposed of, without expressing any specific view on the impugned action of the respondent authorities, by directing the official respondents, after calling for fresh representations from the applicants as also all other affected employees on their action or proposed action, to reconsider the issue of application of rule of reservation in promotions by duly keeping in view the law laid down by the Hon'ble Apex Court in M. Nagaraj (supra) and Jarnail Singh and Others (supra) and to pass appropriate speaking and reasoned orders, within four months from the date of receipt of a copy of this order."

6. No costs.

**(P. GOPINATH)**  
**MEMBER (A)**

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

**Dated: 25.01.2019.**

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