

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00336/2017

Date of Order: This, the 03rd day of April 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, ADMINISTRATIVE MEMBER

1. N. F. Railway promotee officers' Association, having its registered office at Maligaon, Guwahati – 78101. Represented by its President, Sri Gurjit Singh, son of Late Swarn Singh, resident of 430 A, Nambari Railway Colony, Guwahati – 781012.
2. Sri Gujit Singh, son of Late Swarn Singh, resident of 430 A, Nambari Railway Colony, Guwahati – 781012.
3. Sri Chidhen Chandra Mali, Son of Late Mondal Mali, resident of Village-Padumbori, Gotanagar, Guwahati, Assam – 781033.
4. Sri R. C. Paul, Son of Shambu Sengupta, son of late naresh Chandra Sengupta, Visual Housing Complex, Flat No. 103(G), Maligaon, Guwahati, Assam – 781012.
5. Shri R. N. Sikdar, son of late N.C. Sikdar, resident of 209/A, Adarsha Colony, Maligaon, Guwahati, Assam – 781011.

...Applicants

By Advocates: Mr. U.K. Nair, Sr. Advocate, Mr. B. Talukdar and
Ms. N. Shyamal.

-VERSUS-

1. The Union of India, Represented by the Secretary Railway board, Ministry of Railways, Government of India, new Delhi – 110006.
2. The Joint Secretary (E) – II, Railway Board, Ministry of Railways, Government of India, New Delhi – 110006.
3. The General Manager, N. F. Railway, Maligaon, Guwahati – 11.
4. The Principal Chief Personnel Officer, N. F. Railway, Maligaon, Guwahati – 11.
5. Lakshmi Narayana Gamidi, aged about 34, Subrahmanyam Gamidi, C/O: Dr. Ashrofuddin Ahmed, Dristi Niwas, Army Base Camp Road, Kahikuchi, Opposite Atta Mill, Jagiroad 782410, Assam
6. Amit Jaiswal, 31, S/o (I) Mohan Prasad Jaiswal Quarter 23(a), Tarapur Silchar, Assam.
7. Koteswar Ponnala, aged about 32, S/o Yadagiri Ponnala, Deputy Chief Engineer office, N.F. Railway, Agartala – 799003.
8. Dinesh Kumar, aged about 31 Chhatrapalsingh, 223D Officer Colony Lumding, Hojai District, Assam.
9. Sudhirkumar Sinha, aged about 29 s/o Ashwanikumar Sinha 23D, Mansarovar Railway Officers colony, Dibrugarh, Assam.
10. Kahidem Tejbanta Singh, aged about 28 S/o (I) Khaidem Iboyaima Singh #223c officer colony Lumding. Hojai District.
11. Rahul Kumar, aged about 33, S/o Lalan Prasad Singh, Nutan Patti, Near BNL office, Shanti Avasan apartment, Silchar, Assam.

12. Satish Jyoti, aged about 30, S/o Anurudh Ram, Address-Flat No-2, Third Floor, Office of the Dy. Chief Engineer/ Jiribam, Tarapur, Silchar – Assam.
13. Rajendra Singh Dhaka, aged about 30, S/o Ram Gopal, 520/c Railway officers colony, Maligaon, Guwahati, Assam.
14. Harjimalmeena, aged about 31, S/o NetaramMeena , 568, Sahebpara Railway Colony Katihar, BIHAR.
15. Pankaj Yadav, aged about 30 s/o Kartar Singh Yadav, 570, Sahebpara Railway Colony Katihar, Bihar.
16. Ajay Kumar Verma, aged about 34 s/o Krishna Kumar Verma, 23-C, Mansarowar Railway officers colony, Dibrugarh, Assam.

... Respondents

By Advocate: Ms. U. Das, Railway SC.

ORDER (ORAL)

MANJULA DAS, MEMBER (J):

At the outset of the moving of this application, prayer for permission to move the application jointly in a single application under Section 4(5)(a) of the CAT (Procedure) Rules, 1987 is allowed.

2. By this O.A., applicants make a prayer for setting aside the impugned communication dated 06.12.2017 issued by the Joint Secretary (E)-II, Railway Board so far the members of the applicant

No. 1 Association are concerned and grant all consequential benefits. Further prays for a direction upon the respondents to continue with the promotions earned by the members of the applicant No. 1 Association in Group – A service with all consequential benefits.

3. Mr. U.K. Nair, Sr. Advocate assisted by Ms. N. Shyamal, learned counsel for the applicant No. 1 Association submits that applicant No. 1 is a recognized Association in name and style "N.F. Railway Promotee Officers' Association" having its registered office at Maligaon, Guwahati. According to Mr. Nair, the Association is affiliated to Indian Railway Promotee Officers' Federation and same is recognized by Ministry of Railways, Government of India. The applicant No. 2 is the President and the applicant Nos. 3, 4 & 5 are Members of the applicant No. 1 Association and are persons affected by the impugned communication dated 06.12.2017.

4. Mr. Nair, Sr. Advocate further submits that the Members of the Association are Group-A officers working in N.F. Railway on promotion from the feeder cadre. The applicants got promotion to Group A Junior Scale by dint of their sincere and dedicated service in the Railway for long years. The promotions as effected in the case of the Members of the Association as per list of Officers promoted from Sr. Scale to JAG (even Adhoc) joined after 03.05.2016 were so

effected by following the rules prevailing in the Railway Organization.

5. Mr. Nair, Sr. Advocate further submits that the issue involved in the present O.A. is related to O.A. No. 460 of 2016 filed before CAT, Patna Bench wherein the applicability of the DoPT OM dated 04.03.2014 in Ministry of Railways was decided by the Patna Bench taking into consideration decision of the Hon'ble Apex Court in the case of **N.R. Parmar's** reported in **(2012) 13 SCC 340**. The O.A. No. 460 of 2015 was filed in the backdrop of rejection of the representation submitted by the applicant therein vide reasoned and speaking order dated 09.06.2015. However, the Members of the applicant Association were not impleaded as party respondents in the said proceeding nor their inter-se seniority therein was a subject matter of challenge.

6. Mr. Nair, Sr. Advocate by producing copy of judgments and orders submits that in view of the order passed by the Hon'ble Supreme Court in the case of similarly situated persons namely **Prabhat Ranjan Singh & Another Vs. R.K. Kushwaha & Ors., Civil Appeal No. 9176 of 2018 arising out of SLP (C) No. 22444 of 2017, C.P. No. 717/2018, C.P. 732/2018 and SLP No. 4144 of 2018 and T.C. (C) No. 52 of 2018**, the case of the present applicants can be considered where Ms. U. Das, learned Railway standing counsel

representing the respondents also admitted and by filing letter No. E(O)I/2014/SR-6/11 CCpt. Dated 10.09.2018 issued by the Ministry of Railways (Railway Board) submits that the Ministry of Railways advised the Zonal Railways to implement the judgment and order of the Hon'ble Apex Court.

7. We have heard the rival parties, perused the pleadings and all the documents as well as decision relied upon. We have also carefully perused the letter dated 10.09.2018 issued by the Zonal Railways by which Under Secretary (D&A), Railway Board held as under:-

"In view of the above decision of the Hon'ble Supreme Court Ministry of Railways have decided that all the Zonal Railways/Pus should now act strictly in pursuance of the revised Rule (RBE No. 33/2018 dated 05.03.2018) and all promotions to Senior Scale and Junior Administrative Grade should be made strictly in conformity with the revised seniority list dated 09.03.2018. It has also been decided the Zonal Railways should make extensive use the judgment of Hon'ble Supreme Court to get any pending cases vacated."

8. Keeping in view of the above, we direct the respondents to consider the case of the members of the applicant No. 1 immediately in the light of the decision of Hon'ble Apex Court in the case of **Prabhat Ranjan Singh (Singh)** where the Ministry of Railways (Railway Board) vide letter dated 10.09.2018 advised the Zonal Railways to implement the judgment and order of the Hon'lbe Apex Court.

10. Further Members of Applicant No. 1 are hereby directed to submit a copy of judgment and order of **Prabhat Ranjan Singh & Another Vs. R.K. Kushwaha & Ors., Civil Appeal No. 9176 of 2018 arising out of SLP (C) No. 22444 of 2017, C.P. No. 717/2018, C.P. 732/2018 and SLP No. 4144 of 2018 and T.C. (C) No. 52 of 2018** along with copy of this order to the respondents at early.

11. With the above directions, O.A. stands disposed of accordingly. No order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)