

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00059/2015

Jabalpur, this Friday, the 05th day of July, 2019

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

1. Durbo Singh Sona (Unemployed), S/o Rai Singh Sona,
 R/o House No. 375, NR Railway Crossing, "C", Cabin,
 Charoda, Bhilai Marshalling Yard, District Durg-490025(C.G.)
2. Ku. Savit, (Unemployed) D/o Shri Mohan Kumar,
 Qr. No. 21-C, PP Yard Colony, Post Office-Charoda,
 Bhilai Marshalling Yard, District Durt-490025 (C.G.)
3. Lileshwar (Unemployed), S/o Shri Bhikam,
 R/o Village Heerapur, Tehsil & District Balod
 District Badol-491226 (CG)
4. Pappulal Kuldeep (Unemployed), S/o Shri Soneram Kuldeep,
 R/o Village & Post Devari Bangla, Tehsil Daundi Lohara,
 District Balod-491771 (CG)
5. Chattrasal (Unemployed) S/o Shri Radhe Lal Sahu,
 Date of birth: 31.01.1989 R/o Pandey Para, Ward No.6
 Balod Post Balod, District Balod (C.G.)

-Applicants

(By Advocate –**Shri S.K.Nandy**)

V e r s u s

1. Union of India, Through its General Manager
 South East Central Railway, Bilaspur (C.G.)495004
2. Chief Personnel Officer, South East Central Railway,
 Bilaspur (CG)-495004
3. Railway Recruitment Cell, South East Central Railway,
 Bilaspur (CG)-495004

- Respondents

(By Advocate –**Shri Vijay Tripathi**)

O R D E R (Oral)**By Navin Tandon, AM:-**

The applicants are aggrieved that the respondents have not issued the appointment letters to them, even though they have cleared all the four stages of selection namely written test, physical efficiency test, document verification and medical examination.

2. The brief facts of the case are as under:-

2.1 The respondent-department vide Employment Notice No.SECR/02/2010 dated 15.12.2010 (Annexure A/1) invited applications for total 5798 posts of Group 'D' in various department of the Railways.

2.2 The applicants applied for the same and cleared all the stages.

2.3 While the applicants were called for document verification and medical examination, it was stipulated in the call letters that the applicants are coming under 20% replacement quota.

2.4 No appointment letters were issued to the applicants.

3. The applicant has sought for the following reliefs:-

“8. Relief Sought

8(i) Summon the entire record from the possession of the respondents including the final select list, vacancy position and cut off marks of each selected candidates in each category viz. SC, ST and OBC for its kind perusal.

(ii) Command the respondents to forthwith issue offer of appointment in favour of the applicant on Group “D” post as per their category

(iii) Any other order/orders, which this Hon’ble Court deems fit and proper may also be passed.

(iv) Award cost of the litigation in favour of the applicants.”

4. Learned counsel for the applicant submitted that for the same selection, Hon’ble Supreme Court in the matters of Dinesh Kumar Kashyap and Others etc. vs. South East Central Railway and Others etc. decided on 27.11.2018 (Annexure A/21) has held as under:-

“14. In view of the above, the appeals are allowed. The judgment of the High Court and CAT, Jabalpur Bench are set aside. The appellants are entitled to the benefit of the letter dated 02.07.2008. While allowing the appeals we issue the following directions:

(i) The benefit of this judgment shall only be available to those appellants who had approached the CAT;

(ii) The appellants shall not be entitled to any back wages; 4 OA No.203/01123/2017

(iii) The appellants shall, for the purpose of seniority and fixation of pay be placed immediately above the first selected candidates of the selection process which commenced in the year 2012 and, immediately below the candidates of the selection list of 2010 in order of seniority;

(iv) The appellants shall be entitled to notional benefits from the date of such deemed appointment only for the purposes of fixation of pay and seniority.”

5. Learned counsel for the respondents vehemently argued that the present applicants have not approached this Tribunal with

promptitude and they cannot get the benefit of Supreme Court judgment. Further they have stated that the currency of the panel has already expired in March 2016. Subsequently, two more notifications have already been issued in which the selections have already taken place. He also submits that this case has been filed when the applicants in Dinesh Kumar Kashyap (supra) had already approached the Hon'ble Supreme Court, after their cases were dismissed by this Tribunal and Hon'ble High Court.

6. We have considered the case.

7. The judgment of Hon'ble Supreme Court is specifically for this selection only. Further Hon'ble Supreme Court has issued clarification vide M.A. Nos.439-442/2019 on 01.03.2019, which is as under:-

“Having heard learned counsel appearing for the applicants and upon perusal of the application(s) for directions, we clarify our judgment dated 27.11.2018 in Civil Appeal Nos.11360-11363 of 2018 to the extent that the 5 OA No.203/01123/2017 Page 5 of 5 benefit of the said judgment shall be available to all those persons who had filed petition(s) before the Central Administrative Tribunal (CAT).”

8. We find that this Original Application has been filed in January 2015 whereas the judgment passed by the Hon'ble Supreme Court in the matter of Dinesh Kumar Kashyap (supra) is decided on 27.11.2018. Therefore, these applicants can be

considered to get the same benefits in case they are similarly placed.

9. Accordingly, the Original Application is disposed of with direction to the respondents to consider the cases of the applicants if they are similarly placed.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

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