

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00376/18

Jodhpur, this the 5th day of December, 2019

CORAM

**Hon'ble Mr Suresh Kumar Monga, Judicial Member
Hon'ble Mr A. Mukhopadhyaya, Admn. Member**

1. Jagdish Sharma S/o Late Shri Dulichand Sharma, aged about 56 years, B/c Brahmin, Resident of Gali No. 3, Ramzan Ji Ka Hatha, Banar Road, Nandri, Jodhpur, Rajasthan. Presently working as Reservation Supervisor, Reservation office, Bhagat Ki Kothi, railway station, Jodhpur.
2. Prem Kumar Panwar S/o Shri Mangi lal Ji, aged about 55 years, B/c Sen, Resident of Plot No. 115, Mahaveer Nagar, Mahamandir, Jodhpur, Rajasthan. Presently working as Chief Reservation Supervisor, Reservation office, railway station, Jodhpur.
3. Rajendra Singh Choudhary S/o Shri Amar Singh choudhary, aged about 47 years, B/c Choudhary, Resident of In front of Shiv Mandir, Ratanada, Jodhpur. Presently working as Chief Reservation Supervisor, Reservation office, Mahamandir railway station, Jodhpur.
4. Arvind Bohra S/o Shri Hari Kishan Ji Bohra, aged about 55 years, B/c Brahmin, Resident of Santh Gharon Ka Bas, Brahpuri, Chandpole, Jodhpur, Rajasthan. Presently working as Chief Reservation Supervisor, Reservation office Rai Ka Bag railway station, Jodhpur.
5. Narendra Garg S/o Late Shri Durgaprasad Ji Garg, aged about 42 years, B/c Garg, Resident of 3, Adarsh Colony, Man Sagar, Mahamandir, Jodhpur. Presently working as Reservation Supervisor, Reservation office, railway station, Jodhpur.
6. Vijay Vyas W/o Late Shri Ajay Vyas, aged about 40 years, B/c Brahmin, R/o Shivanjali Bhavan, Shyam Manohar Nagar, Chopasani Housing Board, Jodhpur, Rajasthan. Presently working as Reservation Supervisor, Reservation office railway station, Jodhpur.

7. Dinesh Gehlot W/o Late Surendra Gehlot, aged about 44 years, B/c Mali, Resident of Plot No. 7, Bhanu Banglow, Nayapura Satellite Hospital Road, Jodhpur, Rajasthan. Presently working as Reservation Supervisor, Reservation office railway station, Jodhpur.
8. Dharmendra Singh Kachwaha S/o Late Shri Bhanwar Lal Kachwaha, aged about 50 years, B/c Mali R/o Near Kalyan Bhawan, Vijay Chowk, Jodhpur, Rajasthan. Presently working as Reservation Supervisor, Reservation office railway station, Jodhpur.
9. Sharwan Kumar S/o Late Shri Jaynarayan Ji, aged about 51 years, Resident of 2-S-58, Pratap Nagar, Jodhpur, Rajasthan. Presently working as Reservation Supervisor, Reservation office railway station, Jodhpur.
10. Anil Kumar S/o Late Shri Kishan Gopal Verma, aged about 35 years, B/c Verma, Resident of 14, Ghanchiyon Ki Bagechi, Outside Jalori Gate, Jodhpur, Rajasthan. Presently working as Enquiry cum reservation Clerk, Reservation office railway station, Jodhpur.
11. Heena Dave W/o Shri Anil Kant Bohra, aged about 35 years, B/c Brahmin, Resident of House No. 117, Aditya Dwarka, Kharda Randheer Road, Jodhpur, Rajasthan. Presently working as Presently working as Enquiry cum reservation Clerk, Reservation office railway station, Jodhpur.

.....Applicants

By Advocate: Mr Harish Jangid.

Versus

1. Union of India through General Manager, North West Railway, Jawahar Circle, Jaipur.
2. Railway Board through Chairman, Ministry of Railway, Government of India, Rail Bhawan, New Delhi.
3. Divisional Railway Manager (Personnel), North Western Railway, DRM Office, Near Railway Station, Jodhpur.

.....Respondents

By advocate : Mr Kamal Dave.

ORDER (Oral)

Per Mr Suresh Kumar Monga, Member (J)

The present Original Application has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following relief:

- (i) Impugned REB No. 28/2018 dated 22.02.2018 (Annexure A/1) and order dated 14.09.2018 (Annexure A/2) merging cadre of Enquiry cum Reservation Clerk with Commercial Clerk in Jodhpur Division be declared null and void and the same be quashed and set aside with all consequential benefits.
- (ii) Respondents may kindly be directed to continue the applicants in pre-unified cadre of ECRC and continue their original seniority in the cadre of ECRC and further consequential benefits like promotion, upgradation of pay etc.
- (iii) Applicants may kindly be allowed to file joint application.
- (iv) Or pass any appropriate order, which this Hon'ble Tribunal thinks fit and proper in the interest of justice.

2. At the very outset, Shri Kamal Dave, learned counsel for the respondents submitted that in an identical case, i.e. OA No. 203/00815/2018 (G.S. Bataw & Ors Vs Secretary, Railway Board & Ors) filed before the Jabalpur Bench of this Tribunal, the respondents therein while filing their reply had stated as under :

"4. The order which is impugned namely RBE 28/2018 now does not affect the applicants in view of RBE No.59/2019 dt. 05.04.2019 filed herewith as Annexure R-2 accordingly to which the existing cadres as on 22.02.2018 of Commercial Clerk and ECRC categories would continue to be in separate seniority groups as per the pre 22.02.2018 position. As regards existing employees, instead of keeping only the TC category separate and merging seniority of CC and ECRCs, it is now recommended that all three seniority groups

of TC, CC and ECRC would be maintained separately for existing employees. Merger into a common seniority and common functionalities will take place for future direct recruitment with which the present applicants have no concern.

5. That consequent upon RBE 59/2019, the impugned provisional seniority list issued as on 01.04.2018 will also be cancelled in due course."

3. Shri Kamal Dave, learned counsel for the respondents submitted that while relying upon those assertions, the Jabalpur Bench of this Tribunal has disposed of OA No. 203/00815/2018 as having been rendered infructuous. It is the contention of the respondents that since R.B.E. No. 28/2018 dated 22.02.2018 has been superseded by way of R.B.E. No. 59/2019 dated 05.04.2019, therefore, nothing survives in the present OA.

4. The fact as stated by Shri Kamal Dave, learned counsel for the respondents has not been disputed by Shri Harish Jangid, learned counsel for the applicants.

5. Accordingly, the present Original Application is disposed of having been rendered infructuous. However, the applicants will be at liberty to lay a challenge to subsequent R.B.E. No. 59/2019 dated 05.04.2019, if so advised.

(A. MUKHOPADHAYA)
Member (A)

(SURESH KUMAR MONGA)
Member (J)

Ss/-