

Court No. - 1

Case :- SPECIAL APPEAL No. - 31 of 2024

Appellant :- Arvind Kumar Rai

Respondent :- Union Of India Thru. Secy. Ministry Of Railways Railway Board, New Delhi And Others

Counsel for Appellant :- Amrendra Nath Tripathi

Counsel for Respondent :- A.S.G.I.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Brij Raj Singh,J.

1. Heard Sri Amrendra Nath Tripathi, learned counsel for the appellant and Sri S.B. Pandey, learned Senior Advocate and the Deputy Solicitor General of India, assisted by Sri Varun Pandey, learned counsel for the respondents.

2. This intra-Court appeal under Chapter-VIII Rule 5 of the High Court Rules is directed against the judgement/order passed by the Writ Court in Writ-A No.503 of 2024 decided on 2.2.2024.

3. The only submission put forth before us by the learend counsel for the appellant is to the effect that the respondents by means of the order dated 28.5.2023 have decided to fill up the vacancies under Rules 70 and 72 of the Railway Protection Force Rules, 1987 (for short "Rules, 1987") in the ratio of 50:50.

4. Having gone through the judgment impugned herein, the position in this regard was clarified by the respondents as has been taken into account in the last but second paragraph of the judgement, which for ready reference, is extracted herein-under:-

"After hearing learned counsel for the parties, going through the record of the case, the statement given by the Deputy Solicitor General of India on the basis of instructions received, it is found that the selection is going on as per the amended Rules, 2021 as per bifurcation in the ratio of 30:20 and not in the ratio of 50:50 as alleged in the present petition and the petitioner is not eligible to participate in the L.D.C.E. being

over aged."

5. Once the position is clarified on the basis of instructions received, the submission put forth by the learned counsel for the appellant is nothing but a reiterating argument which has already been repelled on the strength of instructions as having recorded in the judgement impugned.

6. We make it clear that the vacancies which may be filled up under Rules 70 and 72 of Rules, 1987, may be operated as per the percentage prescribed under the Rules, 1987. The position having been clarified before the Writ Court does not leave us in any manner of doubt that the same shall not be implemented in its letter and spirit.

7. The appeal is bereft of merit and it is accordingly ***dismissed.***

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(Brij Raj Singh, J.) (Attau Rahman Masoodi, J.)

Order Date :- 15.2.2024

Rao/-