CGHC010433962026 2026:CGHC:46706-DB

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7953 of 2026

Pushpalata Sagar (Now Pushpalata Chouhan) D/o Shri Dhannuram Sagar, W/o Shri Deepak Kumar Chouhan Aged About 40 Years Unemployed, R/o- Old Power House, Near Verma Pan Shop, Devrikhurd, Bilaspur - 495001 (Chhattisgarh)

... Petitioner

versus

1 - Union Of India Through The General Manager, South East Central Railway, Headquarters Office, Bilaspur Dist. Bilaspur - 495004 (C.G.)

2 - The Chairman Railway Recruitment Cell, South East Central Railway, Annex. Building, G.M's Office Bilaspur - 495004 (C.G.)

3 - The Assistant Personnel Officer Railway Recruitment Cell, South East Central Railway, Annex. Building, G.M's Office Bilaspur - 495004 (C.G.)

4 - The Chief Personnel Officer S.E.C. Railway, Bilaspur Zone, Headquarter's Office, Bilaspur Distt. Bilaspur - 495004 (C.G.)

5 - Central Administrative Tribunal, Jabalpur Bench Through The Registrar, Central Administrative Tribunal, Jabalpur Bench, Near T.V. Tower, Katanga, Om Shanti Chowk, Jabalpur - 482001 (MP)

... Respondents

For Petitioner	**:**	Mr. BP Rao and Ms. Pooja Sinha, Advocates
For Respondents 1 to 4/UOI	**:**	Mr. Ramakant Mishra, Deputy Solicitor General

Hon’ble Mr. Krushna Ram Mohapatra, Chief Justice

Hon’ble Mr. Santosh Sharma, Judge

Order on Board

BINI PRADEEP
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Date: 2026.11.05 14:36:48 +0530

Per : Krushna Ram Mohapatra, Chief Justice

04/11/2026

1. The Petitioner, in this writ petition, assails the Order dated 25.09.2026 (Annexure-P/14) passed by the Central Administrative Tribunal, Jabalpur Bench, Jabalpur (for brevity 'the Tribunal') in MA No.348/2025 filed for implementation of Order dated 06.03.2024 (Annexure-P/3) passed in Original Application No.203/12/2019 along with a batch of Original Applications, wherein the learned Tribunal directed as under:-

> **12**. In view of the aforesaid, all these Original Applications are disposed of with the directions to the respondents to examine the vacancy position in the Employment notice No.02/2010 dated 15.12.2010 and if the vacancies exists, consider the applicants for appointment to the post of Group 'D' under replacement quota as per RBE No.73/2008 dated 17.06.2008 (Annexure A/19) after receipt of Certified Copy of the order of this Tribunal and thereafter issue offer of appointment to the applicants who are declared suitable/fit for job.

2. According to Mr. Rao, learned counsel for the petitioner, the backdrop of the case is that the Employment Notice for 5540 (Non-PH) Group-D posts were advertised by the respondents. The petitioner had participated in the said selection process and was kept in waiting list. Out of 5540 vacancies, 624 candidates did not join the post, though they were selected. Since the vacancies were not filled up by the respondents from the waiting list candidates as per RBE 73/2008, 197 candidates moved the Tribunal by filing their individual Original Applications. The Tribunal dismissed the said Original Applications. Such 197 candidates were also unsuccessful before this Court.

However, pursuant to Order dated 27.12.2018, in the case of **Dinesh Kumar Kashyap & Ors. Vs. S.E.C. Railway, Bilaspur and Ors; 2019(12) SCC 798,** the Hon'ble Supreme Court allowed the SLP and directed for employment of 197 candidates from the wait list. Thus, out of 624 vacancies, 197 posts were filled up pursuant to the directions of the Hon'ble Supreme Court. For the rest of 427 vacancies, 50 other Original Applications were filed before the Bilaspur Circuit Bench of the Tribunal including the petitioner. The Tribunal vide its common Order dated 06.03.2024 allowed all the Original Applications and passed aforesaid order. For non-implementation of the order, the petitioner along with similarly placed candidates filed different execution cases before the Tribunal. The petitioner filed MA No.348/2025. However, the respondents moved this Court in WPS No.6291/2024 and other connected matters assailing the common order passed in aforesaid Original Applications, including that of the petitioner. This Court disposed of all the writ petitions vide common Order dated 05.12.2025 (Annexure-P/7) with a direction which reads as under:-

> **55**. For the foregoing reasons and having regard to the balanced approach mandated by law between the need for orderly public recruitment and the protection of substantive legal rights of the meritorious candidates, the writ petitions filed by the Union of India/Railways are dismissed and the CAT's common order dated 06.03.2024 is upheld to the extent that it directs an administrative examination of the vacancy position and consequent consideration of eligible candidates on the replacement list in conformity with law and these directions. Parties will act in accordance with this order.

3. For non-compliance of the directions of this Court, at para 55, some contempt applications were also filed and are pending before this

Court. In the meantime, the Tribunal took up the matter on 17.12.2025 and granted time to the respondents to execute the order positively before the next date of posting. Thereafter the matter was listed before the Tribunal on several occasions, but order passed in the 50 Original Applications was not implemented. In the execution petition filed by the petitioner i.e. MA No.348/2025, which was taken up on 25.09.2026, the learned Tribunal held that since the matter is under adjudication before this Court in the contempt petition, no execution application can be considered at this stage. Accordingly, disposed of the MA filed by the petitioner.

4. Mr. Rao, learned counsel for the petitioner submits that the contempt application filed by the petitioner is pending before this Court for initiation of contempt proceedings and appropriately punish the respondents for non-compliance of the order passed in the writ petition filed by the respondents. But the execution proceedings before the Tribunal was filed for implementation of the order passed by the Tribunal. The relief claimed and the consequences in both the proceedings are altogether different and distinct. The Tribunal failed to appreciate the same and passed the order disposing of the execution proceedings filed by the petitioner on the ground of pendency of contempt proceedings before this Court. Hence, he prays for setting aside the impugned order under Annexure-P/14 and to remit the matter back to the Tribunal for adjudication of MA No.348/2025 in accordance with law, giving opportunity of hearing to the parties concerned.

5. Mr. Mishra, learned DSGI on instruction from the respondents submits that he has no objection if order impugned is set aside and the execution proceedings filed by the petitioner is disposed of in

accordance with law giving opportunity of hearing to the parties concerned. He further submits that the respondents may be given an opportunity to file objection to the execution proceedings.

6. In view of the above, this Court finds that the Tribunal failed to appreciate that the relief claimed in both the proceedings, i.e. contempt proceedings before this Court and the execution proceedings before the Tribunal are different and distinct and consequences of both the proceedings are also distinct. Thus, this Court is of the considered opinion that the Tribunal could not have disposed of the execution proceedings filed by the petitioner on the ground of pendency of the contempt proceedings before this Court.

7. Accordingly, impugned Order dated 25.09.2026 (Annexure-P/14) is set aside and the matter is remitted to the Tribunal for adjudication of MA No.348/2025 on its own merits, giving opportunity of hearing to the parties concerned.

8. The writ petition is allowed to the aforesaid extent.

Sd/-
(Santosh Sharma)
Judge

Sd/-
(Krushna Ram Mohapatra)
Chief Justice

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