

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (S) No. 2905 of 2026

1. Union of India, Through the General Manager, East Central Railway, Hajipur, PO+PS: Hazipur, District - Vaishali, Bihar-844101.

2. The Divisional Railway Manager, East Central Railway, Dhanbad PO+PS: Dhanbad, District - Dhanbad, Jharkhand-826001.

3. The Senior Divisional Personnel Officer, East Central Railway, Dhanbad, PO+PS+District - Dhanbad, Jharkhand-826001.

... **...Petitioner.**

-Versus-

1. Mahendra Das, aged about 35 years, S/o- Bhola Ravidas, R/o- Meyari, Tarwan, Fatehpur Meyari, P.O+P.S- Tarawan, Dist- Gaya, Bihar; Presently working as T.E. at Chopan.

2. Jamuna Mochi, aged about 46 years, C/o- Vishnudev Mochi, R/o-Vill- Satbarwa, P.O+P.S- Satbarwa, Dist- Palamu, Jharkhand; Presently working as T.E. at Singrauli.

3. Samresh Kumar, aged about 32 years, S/o- Anuj Prasad, R/o- Vill-Itaura, P.O+P.S- Itaura, Dist- Nalanda, Bihar; Presently working as T.E. at Chopan.

4. Pradeep Kumar, aged about 31 years, S/o- Chhotelal Chauhan, R/o-No. 4, 6th Main Road, Mohan Kumar Nagar, P.O- Yeshwanthpura, P.S- Bangalore North, Dist- Bangalore, Karnataka; Presently working as T.E. at Chopan.

5. Birendra Kumar, aged about 45 years, S/o- Mahesh Prasad, R/o-Banouliya, P.O+P.S- Bihar Sharif, Dist- Nalanda, Bihar; Presently working as T.E. at Gomoh.

6.. Amarjeet Kumar, aged about 33 years, S/o- Jawahar Choudhary, R/o-Jay Nagar Choti, P.O- Kabaiya, P.S + Dist- Lakhisarai, Bihar; Presently working as T.E. at Dhanbad.

7. Ajay Kumar, aged about 40 years, S/o- Anandi Prasad Singh, R/o 09 Rahul, Bihar Sharif, Akwalganj, P.O+P.S-

Saraia, Dist- Nalanda, Bihar; Presently working as T.E. at Dhanbad.

8. Jagdish Ram, aged about 41 years, S/o- Kirat Ravi Das, R/o-Near U.M. School, Bhogtadih, P.O+P.S+Dist- Giridih, Bihar; Presently working as T.E. at Dhanbad.

9. Vijay Kumar, aged about 47 years, S/o- Raghunath Sah, R/o- Street no.2, Momainagar, P.O- Gandhinagar, P.S-Dangarvada, Dist-Jamnagar, Gujarat; Presently working as T.E. at Dhanbad

Respondents.

10. Birendra Kumar, aged about 44 years, C/O: Bandhu Yadav, R/O: G.N. College Road, Near Dhanbad Dairy, Mahavir Nagar, PO: Bhuda, PS: Dhanbad, Dist: Dhanbad, Jharkhand; Presently Working as T.E. at Dhanbad.

11. Prabhat Kumar, aged about 41 years, S/O: Satyanarayan Sah, R/O: 33 Raghunathpur South, Bhargama, PO+PS: Raghunathpur, Dist: Araria, Bihar; Presently working as T.E. at Koderma.

12. Jyotisha Prasad Barnwal, aged about 39 years, S/O: Madan Modi, R/O: Vill: Kapilo, PO: Rupeydih, PS: Palaunjiya, Dist: Giridih, Jharkhand; Presently Working as T.E. at Barkakana.

13. Shubham Kumar, aged about 34 years, S/O: Kamleshwar Prasad Yadav, R/O: Gali No.3 Near Power Greed, Nandlalpur,, PO: Benigir, PS: Bariarpur, Munger, Dist: Munger, Bihar; Presently working as T.E. at Gomoh.

14. Vivek Kumar, aged about 38 years, S/O- Sudama Prajapati, C/O: Ex-C.S. Bhagat R/O- Ward No.1, Vill+P.O: Kathaura, P.S.: Aurangabad, Dist: Aurangabad, Bihar; Presently working as T.E. at Koderma.

15. Naresh Kumar Kandhway, aged about 41 years, S/o- Dashrath Ram, R/o- Chitragupta Colony, Power House Barganda, P.O+P.S+Dist-Giridih, Jharkhand; Presently working as T.E. at Gomoh.

Proforma Respondents.

**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE SANJAY PRASAD**

For the Petitioners : Mr. Prashant Kr. Singh, DSGI
Mr. Karbir, AC to DSGI

For the Respondents: Mr. Rishikesh Giri, Advocate

C.A.V. on 20th July, 2026 **Pronounced on 10/08/2026**
Per Sujit Narayan Prasad, J.

Prayer:

1. The instant writ petition has been filed against order dated 17.12.2025 passed by the learned Central Administrative Tribunal, Patna Bench, Circuit Bench at Ranchi in O.A. No. 051/00253/2023, whereby the learned Tribunal has quashed the seniority list dated 09.02.2023 and further directed the respondents-authorities to modify the impugned seniority list dated 09.02.2023 relating to applicant nos. 7 to 15 [respondent no. 1 to 9 herein] and to issue separate seniority list of Senior Ticket Examiner.

Factual Aspect

2. The factual aspect, as taken note in the impugned order, as also in the present writ petition reads as under:

3. The Railway Board in order to revise the cadre structure and staffing pattern of the employees of the railways had decided to merge the three categories of posts of Commercial Department of Indian Railway namely Commercial Clerk (CC), Ticket Checking (TC) and Enquiry Cum Reservation Clerk (ECRC) into unified category of "*Commercial and Ticketing Staff*". Accordingly, Circular being RBE No. 28/2018 dated 22.02.2018 was issued, whereby the

Commercial Cadre was to be merged into a unified cadre in phased manner.

4. Accordingly, the process of merger was started, as per the said circular but one or the other employees challenged the inter se seniority before the tribunal(s), as such a Clarification Notification/Circular being RBE/No. 59/2019 dated 05.04.2019 was issued giving certain clarification and guidelines for implementation of order for merger of aforesaid three categories. As per which the seniority of 'existing employees' as on 22.02.2018 of all the three categories have to be maintained separately and merger into a common seniority will be maintained for future direct recruitment.

5. So far as the applicants before the tribunal, are concerned, they were Ticket Examiner in different Divisions of Railway prior to 22.02.2018 i.e., the date of issuance of circular for merger of three cadres i.e., Commercial Clerk (CC), Ticket Checking (TC) and Enquiry Cum Reservation Clerk (ECRC) but reported in Dhanbad Division at their own request transfer sometimes in the year 2022 against Direct Recruitment Vacancies accepting bottom seniority.

6. However, the applicants represented before the Sr. DPO, Dhanbad ventilating their grievance and claim, enclosing therewith the decision taken by the Mugalsarai Division, for inclusion of their name in the list published separately for

TC Cadre since they were appointed prior to circular dated 22.02.2018.

7. Upon receipt of such representation, the authorities of Dhanbad Division Railway sought for clarification from the Hajipur Division, whereupon the General Manager, Hajipur vide letter dated 08.02.2023 clarified that those who have been transferred from other Divisions and those who have been appointed after 22.02.2018 their seniority will be counted in unified cadres.

8. Accordingly, merged/unified seniority list was published on 09.02.2023 in which the names of the applicants were included.

9. Being aggrieved with the seniority list dated 09.02.2023, the applicants approached before the tribunal by filing Original Application being O.A. No. 051/00253/2023, which was allowed quashing the seniority list dated 09.02.2023 and further direction was passed upon the respondents-authorities to modify the impugned seniority list dated 09.02.2023 relating to applicant nos. 7 to 15 [respondent no. 1 to 9 herein] and to issue separate seniority list of Senior Ticket Examiner.

10. Being aggrieved with the order passed by the tribunal, the petitioner-railway has approached this Court by filing the present writ petition.

Submission on behalf of Petitioner:

11. Learned counsel for the petitioners-railways has submitted that the learned tribunal has erred to appreciate the very purpose of the policy merger issued by the railway board vide RBE No.28 of 2018 and further clarification issued vide RBE No. 59/2019 dated 05.04.2019.

12. Further submission has been made that the learned Tribunal has passed the order by misinterpreting the provisions as contained under Para 8 of Annexure 'A' of RBE No. 59/2019 which provides that all three seniority groups TC, CC and ECRC be maintained separately for 'existing employees'. Merger into common seniority and common functionalities will take place for future direct recruitment [DR].

13. Further submission has been made that since own request inter-Division of railway transfer is allowed in direct recruitment [DR] quota, hence, the employees came from other railways/divisions have been kept in merged category, but the learned Tribunal has not appreciated this fact even though the same was mentioned in written statement.

14. Further the Hon'ble Tribunal has failed to consider that as per Para 312 of IREM Vol-1, the employees who come from other railways/divisions, their seniority is maintained against Direct Recruited Quota in bottom seniority for the material time not as per earlier appointment date but the

learned Tribunal has wrongly taken into consideration the date of prior appointment for seniority of applicants.

15. Further the learned CAT has failed to consider that applicants have reported in Dhanbad Division on inter railway own request transfer against Direct Recruitment Quota vacancies accepting bottom seniority in the year 2022 i.e., much after the date of merger of their cadre.

16. The learned tribunal has also failed to consider that Railway Board and competent authorities of Headquarter through relevant circulars have clarified from time to time that existing employees at the time of implementation of merger be kept in separate seniority but the fresh intake in the cadre would be in the merged cadre and own request transfers are against the direct recruitment vacancies, therefore it would be in scheme of things to treat them as fresh intake on the basis of their intake against direct recruitment vacancies.

17. Further the General Manager (P), Eastern Central Railway, vide letter dated 08.02.2023 in supersession to letter dated 24.02.2022 has specifically clarified that the seniority of those staffs who have come on transfer from other Divisions/Railways at their own request transfer after 22.02.2018 against the vacancies of Direct Recruitment Quota will be maintained in unified/merged categories.

18. Further, the learned tribunal has erred to observe that the issue involved in OA No. 266/2024 and subject matter of present OA is similar and accordingly, allowed the Original Application in favor of applicants but the fact is that issue involved in OA No 266/2024 was related to the seniority of applicants at par with their juniors and not with the issue of merger of categories.

19. It is stated that one of the Railways (WCR Jabalpur) sought clarification regarding promotion/seniority/transfer of the commercial department after merger of three categories (CC, TC, and ECRC). In response thereto vide letter No. E(NG)/2019/PM1/14 dated 10.07.2024 Railway Board clarified that .. 'As it has been decided that fresh intake in the cadre would be in the merged cadre and own request transfers are against the direct recruitment vacancies, therefore it would be in scheme of things to treat them as fresh intake on the basis of their intake against direct recruitment vacancies. Resultantly, it is directed to treat the request of transfer of employees in the merged category of CC & TC.'

20. Subsequently, Railway Board vide RBE No. 80/2024 dated 16.08.2024 issued detailed guidelines regarding the issue of seniority and promotion to the staff who come from other railway/division under '*Inter Railway Own Request Transfer*' (IRORT), by which also the applicant has no case

since as per this circular also the applicants have applied for transfer after the merger of the cadre, as such, they have been treated to be governed by clarification provided by Railway Board vide letter dated 10.07.2024.

21. Learned counsel for the petitioners-railways has further drawn attention of the Court towards Railway Board guideline vide RBE No. 62/2025 dated 02.07.2025 regarding Promotion/Seniority/Transfer of employees of the Commercial Department after merging of three categories (CC, TC & ECRC), in particular Para 2 thereof which says as under: -

“2. The matter has been examined in Board's office in consultation with the Zonal Railways, and it has been decided that staff who had applied for transfer and their applications were registered, being found in order, prior to the date of merger of cadres but in whose case transfer orders were issued after the date of merger of the cadres (i.e. 22.02.2018), may either be transferred to the category of the post they had applied for provided a separate seniority unit is being maintained in the unit in which they had sought to be transferred or to the merged cadres if they are willing to opt for it. But, if in the new unit where transfers are being sought, the cadres are merged and no separate seniority is maintained of

the old cadres (existing prior to the merger) then the staff will have an option to either accept the transfer in the merged cadres in the new unit or withdraw his transfer request without prejudice."

22. Learned counsel for the petitioners-railways on the aforesaid ground has submitted that the learned tribunal has erred in passing the impugned judgment/order and submission has been made that if the impugned order will be allowed to stand, it will result in serious administrative complications; disturbing settled seniority of numerous employees and will open floodgate of litigation across Railways. Therefore, submission has been made that the impugned order requires interference by this Court.

Submission on behalf of respondents

23. Learned counsel for the respondents-applicants defending the order passed by the learned tribunal has submitted that it requires no interference by this Court since it is well-reasoned order and the tribunal has rightfully directed the authorities to modify the seniority list relating to applicant no. 7 to 15 [respondent no. 1 to 9 herein] and to issue a separate seniority list for the cadre of Senior Ticket Examiner.

24. Further submission has been made that Circular No. RBE 28/2018 speaks of the merger of Commercial Clerk

(CC) and Enquiry-cum-Reservation Clerk (ECRC), while the Ticket Checking (TC/TE) was to remain separate.

25. Submissions has been made that the applicants-respondents are existing employees and are not direct recruits. Further, the transfer on representation merely stipulates that the applicant will have to accept bottom seniority at the transferred place, which they have accepted. Therefore, when the applicants joined the Dhanbad Division on their representation, their seniority was rightly fixed in the TE/TC category.

26. Further submission has been while issuing "*No Objection Certificate (NOC)*" by the petitioners no stipulation was that at the transferred place, original applicants can be placed in the merged category, despite the respondents knowing fully well that the request transfer was made after 22.02.2018. Before giving the NOC for the request transfer, the department should have taken a Certificate from the transferees confirming that they were ready to join the merged category at the new place of transfer. This exercise was never offered to or conducted with the applicants.

27. Learned counsel for the applicants-respondents have further submitted that in other divisions, such as the DDU Division (Deen Dayal Upadhyay Division Mughalsarai Division), employees who have been transferred after 22.02.2018 on their own request have been given joining

under the unmerged TE category and taking note of these facts into consideration, the learned tribunal passed order by quashing the seniority list dated 09.02.2023 and further directed the respondents-authorities to modify the impugned seniority list dated 09.02.2023 which requires no interference by this Court.

28. Further submission has been made drawing attention to the Court to circular being RBE 62/2025 which stipulates that an option should be asked from the applicant regarding their placement, but the same has not been done in the case of the present applicants.

29. Showing the ground of parity, submission has been made that similarly situated employees have been granted separate seniority e.g., one Nawal Kishor Paswan transferred from South Western Railway on 19.07.2019 on his own representation, he was not only promoted to Sr. TE as well as TTI but was also was kept outside the merged category. Therefore submission has been made that there cannot be class between class that too without any reasonable classification.

30. Referring to order passed in OA No. 266 of 2024 submission has been made that the order passed in that O.A has not been challenged rather writ petitioners-Railways have complied the order passed therein. But only in order to

harass the applicants, they have filed the present writ petition.

31. Learned counsel for the applicants-respondents herein on the aforesaid ground has submitted that order passed by the tribunal requires no interference by this Court.

Analysis:

32. Heard learned counsel for the parties, perused the documents available on record in particular the different circulars issued time to time as also the other pleadings available on record.

33. Before advertng into merit of the case this Court needs to refer herein the jurisdiction which is being exercised by this Court which is certainly under Article 226 of the Constitution of India only in order to assess the legality and propriety of the order passed by the learned Tribunal, by way of power of judicial review.

34. This Court is conscious that while exercising the power under Article 226 of the Constitution of India against the order passed by the learned Tribunal, the power of judicial review is to be exercised as per the ratio laid down in the case of ***L. Chandra Kumar Vs. Union of India & Ors.*** reported in ***(1997) 3 SCC 261*** at paragraph 99 wherein it has been held that the High Court is having power of judicial review to look into the legality and propriety of the order of

the tribunal to the extent that if the order passed by the tribunal suffers from any perversity or the order is passed without following the principles of natural justice or there is error apparent on the face of order. For ready reference, paragraph 99 of the judgment is quoted as under:-

"99. In view of the reasoning adopted by us, we hold that clause 2(d) of Article 323-A and clause 3(d) of Article 323-B, to the extent they exclude the jurisdiction of the High Courts and the Supreme Court under Articles 226/227 and 32 of the Constitution, are unconstitutional. Section 28 of the Act and the "exclusion of jurisdiction" clauses in all other legislations enacted under the aegis of Articles 323-A and 323- B would, to the same extent, be unconstitutional. The jurisdiction conferred upon the High Courts under Articles 226/227 and upon the Supreme Court under Article 32 of the Constitution is a part of the inviolable basic structure of our Constitution. While this jurisdiction cannot be ousted other courts and Tribunals may perform a supplemental role in discharging the powers conferred by Articles 226/227 and 32 of the Constitution. The Tribunals created under Article 323-A and Article 323- B of the Constitution are possessed of the competence to test the constitutional validity of statutory provisions and rules. All decisions of these Tribunals will, however, be subject to scrutiny before a Division Bench of the High Court within whose jurisdiction the Tribunal concerned falls. The Tribunals will, nevertheless, continue to act like courts of first instance in respect of the areas of law for which they have been constituted. It will not, therefore, be open for litigants to directly approach the High Courts even in cases where they question the vires of statutory legislations (except where the legislation which creates the particular Tribunal is challenged) by overlooking the jurisdiction of the Tribunal concerned. Section 5(6) of the Act is valid and constitutional and is to be interpreted in the manner we have indicated."

35. The power of judicial review has also been deliberated by the Hon'ble Apex Court, which is to be considered while exercising the said power only to the extent that if any order is being passed found to be having error on the face of the order or without jurisdiction or suffers from perversity. The error apparent on the face of the order means that if the order appears on its face having with error, then only the power of judicial review is to be exercised.

36. The Hon'ble Apex Court in the case of ***West Bengal Central School Service Commission vs. Abdul Halim, (2019) 18 SCC 39***, has held at paragraph-30 that the power of judicial review must be exercised by the Court after determining that the impugned order is vitiated by an error apparent on the face of the record and not the same has been established by a process of reasoning. Paragraph-30 of the aforesaid judgment is being referred as under:-

“30. In exercise of its power of judicial review, the Court is to see whether the decision impugned is vitiated by an apparent error of law. The test to determine whether a decision is vitiated by error apparent on the face of the record is whether the error is self-evident on the face of the record or whether the error requires examination or argument to establish it. If an error has to be established by a process of reasoning, on points where there may reasonably be two opinions, it cannot be said to be an error on the face of the record, as held by this Court in *Satyanarayan Laxminarayan Hegde v. Millikarjun Bhavanappa Tirumale* [*Satyanarayan Laxminarayan Hegde v. Millikarjun Bhavanappa Tirumale*, AIR 1960 SC 137] . ---.”

37. It is evident that the power of judicial review is to be exercised only in two situations, i.e., if there is any error on the face of the order or the finding suffers from perversity.

38. The element of perversity has been raised. The Hon'ble Apex Court in ***Arulvelu and Anr. vs. State [Represented by the Public Prosecutor] and Anr., (2009) 10 SCC 206*** while elaborately discussing the word perverse has held that it is, no doubt, true that if a finding of fact is arrived at by ignoring or excluding relevant material or by taking into consideration irrelevant material or if the finding so outrageously defies logic as to suffer from the vice of irrationality incurring the blame of being perverse, then, the finding is rendered infirm in law. Relevant paragraphs, i.e., paras-24, 25, 26 and 27 of the said judgment reads as under:-

“24. The expression “perverse” has been dealt with in a number of cases. In *Gaya Din v. Hanuman Prasad* [(2001) 1 SCC 501] this Court observed that the expression “perverse” means that the findings of the subordinate authority are not supported by the evidence brought on record or they are against the law or suffer from the vice of procedural irregularity.

25. In *Parry's (Calcutta) Employees' Union v. Parry & Co. Ltd.* [AIR 1966 Cal 31] the Court observed that “perverse finding” means a finding which is not only against the weight of evidence but is altogether against the evidence itself. In *Triveni Rubber & Plastics v. CCE* [1994 Supp (3) SCC 665 : AIR 1994 SC 1341] the Court observed that this is not a case where it can be said that the findings of the authorities are based

on no evidence or that they are so perverse that no reasonable person would have arrived at those findings.

26. In *M.S. Narayanagouda v. Girijamma* [AIR 1977 Kant 58] the Court observed that any order made in conscious violation of pleading and law is a perverse order. In *Moffett v. Gough* [(1878) 1 LR 1r 331] the Court observed that a “perverse verdict” may probably be defined as one that is not only against the weight of evidence but is altogether against the evidence. In *Godfrey v. Godfrey* [106 NW 814] the Court defined “perverse” as *turned the wrong way, not right; distorted from the right; turned away or deviating from what is right, proper, correct, etc.*

27. The expression “perverse” has been defined by various dictionaries in the following manner:

1. *Oxford Advanced Learner's Dictionary of Current English*, 6th Edn.

“Perverse.—Showing deliberate determination to behave in a way that most people think is wrong, unacceptable or unreasonable.”

2. *Longman Dictionary of Contemporary English*, International Edn.

Perverse.—Deliberately departing from what is normal and reasonable.

3. *The New Oxford Dictionary of English*, 1998 Edn.

Perverse.—Law (of a verdict) against the weight of evidence or the direction of the judge on a point of law.

4. *The New Lexicon Webster's Dictionary of the English Language (Deluxe Encyclopedic Edn.)*

Perverse.—Purposely deviating from accepted or expected behavior or opinion; wicked or wayward; stubborn; cross or petulant.

5. *Stroud's Judicial Dictionary of Words & Phrases*, 4th Edn.

“Perverse.—A perverse verdict may probably be defined as one that is not only against the weight of evidence but is altogether against the evidence.”

39. This Court is now proceeding to examine the propriety of the order passed by the learned Tribunal on the basis of the pleading as available in the paper book having been placed while arguing the case by learned counsel for both the parties.

40. The admitted fact herein is that the applicants before the tribunal were initially appointed as Ticket Examiner in different Divisions of Railway on different dates but admittedly joined much prior to 22.02.2018 and were transferred to Dhanbad Division on their personal request sometimes in the year 2022.

41. It requires to mention herein that the Railway Board in order to revise the cadre structure and staffing pattern of the employees of the railways had decided to merge the three categories of posts i.e., Commercial Department of Indian Railway namely Commercial Clerk (CC), Ticket Checking (TC) and Enquiry Cum Reservation Clerk (ECRC) into unified category of "*Commercial and Ticketing Staff*" and to that effect Circular being RBE No. 28/2018 dated 22.02.2018 was issued, whereby the Commercial Cadre was to be merged into a unified cadre in phased manner. For ready reference, relevant part of Circular being RBE No. 28/2018 dated 22.02.2018 is quoted as under:

RBE No. 28/2018

भारत सरकार/ GOVERNMENT OF INDIA

रेल मंत्रालय/ MINISTRY OF RAILWAYS

(रेलवे बोर्ड/ RAILWAY BOARD)

No.E(NG)I-2016/PM1/12(pt)

New Delhi,

dated: 22.02.2018

The General Manager(P)

All Indian railways & PUs

(as per standard list)

Sub: Revision in cadre structure and staffing pattern due to merger of three categories of posts in the Commercial Department over Indian Railways- viz. Ticket Checking TC), Commercial Clerk (CC), and Enquiry-cum-Reservation - Clerk (ECRC).

The 7th CPCs' recommendations pertaining to the Commercial Department staff of the Railways are contained in Para 11.40.64 to 11.40.70 of their Report.

Up-gradation of posts proposed from erstwhile GP 1900 to GP 2000, and from erstwhile GP2400 to GP 2800 have already been notified for implementation vide Annexure-B of Railway Board's communication No. PC-VII /2016/RSRP/2 dated 02.08.2016 (RBE No 93/2016). Recommendations regarding the merger of posts in the three categories of TC, CC and ECRC have been under consideration in Board's office. After consultation with both recognized staff Federations (AIRF and NFIR) and with the concerned Directorates in the Railway Board, it has now been decided to implement the merger into a unified category of Commercial and Ticketing Staff in a phased manner. Details of the cadre structure/AVC, staffing pattern and norms of appointment/selection for this unified category are tabulated in the Annexure to this letter.

2. The following modalities may be adopted while switching over to the unified cadre structure detailed in the accompanying Annexure:

2.1 Merger of the three categories will follow a graded approach. In first phase, the Ticket Checking category as a whole, with all its existing incumbents, will continue as a

separate category with its existing cadre structure and staffing pattern, while the existing staff working in the categories of CC and ECRCs may be merged. The merged categories of CC and ECRC will accordingly have a four tier structure of posts and functional designation, as below:

- i) Commercial-cum Reservation Clerk in Level-3 (entry level)*
- ii) Senior Commercial-cum Reservation Clerk in Level-5 consisting of merged posts currently designated as Senior Commercial Clerk and Enquiry-cum-Reservation Clerk that are in Level-5*
- iii) Chief Commercial-cum-Reservation Clerk in Level-6 consisting of merged posts currently designated as Head Commercial Clerk and Enquiry-cum-Reservation Supervisor that are in Level-6*
- iv) Commercial Superintendent in Level-7 consisting of merged posts currently designated as Chief Booking Supervisor and Chief Enquiry-cum-Reservation Supervisor that are in Level-7*

2.2 In the second phase of the merger, all future recruitments to the relevant category(ies) will be in the unified cadre structure merging Ticket Checking category also with the cadre of CC & ECRC. The final unified cadre structure with designation of posts, staffing pattern and norms for appointment will be as detailed in accompanying Annexure.

2.3 As merger progresses from the first phase (Para in 2.1 above) to the second phase (Para in 2.2 above), nomenclature(s) of posts will also change correspondingly.

3. 10+2 minimum entry qualification has been prescribed for entry into Level-3 of the Ticket Collectors/ Commercial Clerks categories, as may be seen in the accompanying Annexure. It is clarified that this stipulation (of 10+2 minimum qualification) will not apply to existing regular staff against promotional intake.

4. Usual rules/principles will apply while determining inter se seniority in the merged categories.

5. Revised training modules necessitated due to the merger above will be prepared and notified separately by the concerned Directorate.

(P.M.Meena)
 Dy. Director-II/ Estt.(NG)I
 Please acknowledge receipt.

42. Accordingly, the process of merger was started, as per the said circular but it is alleged that one or the other employees challenged the *inter se* seniority before the tribunal(s), as such a Clarification Notification/Circular being RBE/No. 59/2019 dated 05.04.2019 was issued giving certain clarification and guidelines for implementation of order for merger of aforesaid three categories. As per which the seniority of 'existing employees' as on 22.02.2018 of all the three categories have to be maintained separately and merger into a common seniority will be maintained for future direct recruitment. For ready reference, Notification/Circular being RBE/No. 59/2019 dated 05.04.2019 is quoted as under:

RBE No.59/2019

भारत सरकार GOVERNMENT OF INDIA

रेल मंत्रालय MINISTRY OF RAILWAYS

(रेलवे बोर्ड) RAILWAY BOARD)

No.E(NG)I/2016/PM 1/12 (Pt.)

New Delhi, dated April

05, 2019

The General Managers (P),

All Zonal Railways/Production Units.

(as per standard mailing list)

Sub: Merger of three categories of posts in the Commercial Department viz. Ticket Checking Staff (TC), Commercial Clerk (CC) & Enquiry-cum-Reservation Clerk (ECRC).

As Railways are aware, consequent to the acceptance of the recommendations of the 7th CPC, Railway Board had issued orders vide RBE No.28/2018 regarding the merger of Ticket Checking Staff, Commercial Clerks & ECRCs in a phased manner.

2. It has been observed that implementation of RBE No. 28/2018 has led to reported problems at the field level. The integration of seniority of existing CCs and ECRCs has led to either of the groups feeling aggrieved due to their promotional prospects perceived as getting affected on account of the vacancies in their seniority group being thrown open to the other category also due to the merger. Nomenclature of the post in GP 4200/- has also been represented against as has the exclusion of only the TC categories from first phase merger.

3. It was also noted that there were several Court cases pending on this issue in various Benches of the Hon'ble CAT in Ahmedabad, Hyderabad, Jabalpur, Calcutta, Jaipur, Ernakulam, Madras and in the Principal Bench, New Delhi. In some of these cases, interim stay orders on operation of RBE 28/2018 and subsequent actions taken thereon have also been issued.

4. It has also been noted that implementation of RBE 28/2018 has also not been uniform as reported from various Railways. In some Railways, vacancies that existed as on the date of circulation of the instructions, i.e. 22.02.2018 in the CC or ECRC group were to be filled up exclusively by employees belonging to that group. Only after this was done, the process of merger of the existing cadre to take place. However, this methodology has not been followed in some other Railways where vacancies that existed in the categories of CC and ECRC have not been filled up by the respective seniority groups prior to merger of the existing categories.

5. Further, subsequent to merger above, general re-allotment of functionalities ordered in some units have triggered staff representation and led to court cases.

6. In the light of the above developments, the instructions issued vide RBE 28/2018 ibid have been reviewed in

consultation with both the Staff Federations i.e. AIRF & NFIR, and the Commercial Directorate. Accordingly, while accepting the basic premise of the 7th Pay Commission recommendations that the three Commercial categories of TC, CC and ECRC would eventually require to be merged, the revised methodology of implementing the same has been worked out and is enclosed herewith as Annexure 'A'.

7. The above revised provisions may be brought to the notice of the benches of the Hon'ble CAT wherever cases have been filed in this regard. Wherever, directions of the Hon'ble Court affect implementation of these revised instructions, appropriate action to get these directions revised/lifted to be done before implementation.

8. It may also be noted that while the methodology implementing merger of cadres would be as in Annexure-A, this would not operate to prevent utilization of existing Commercial staff across functional categories, wherever such utilization is considered inescapable in administrative exigencies.

DA: As above.

(P.M.Meena)

Dy. Director-II/ E(NG)I

Railway Board

43. However, the applicants represented before the Sr. DPO, Dhanbad ventilating their grievance and claim, enclosing therewith the decision taken by the Mugalsarai Division, for inclusion of their name in the list published separately for TC Cadre since they were appointed prior to circular dated 22.02.2018.

44. Upon receipt of such representation, the authorities of Dhanbad Division Railway sought for clarification from the Hajipur Division, whereupon the General Manager, Hajipur vide letter dated 08.02.2023 clarified that those who have been transferred from other Divisions and those who

have been appointed after 22.02.2018 their seniority will be counted in unified cadres. For ready reference, the relevant portion of letter dated 08.02.2023 is quoted as under:

“इस कार्यालय के संदर्भित पत्र-1 के क्रम में सूचित किया जाता है कि RBE No. 28/2018 दि० 28.02.2018 के द्वारा वाणिज्य विभाग के टिकट परीक्षक, वाणिज्य लिपिक एवं पुछताछ सह आरक्षण लिपिक को समाहन (Merger) करते हुए तीनों कोटियों को मिलाकर यूनिफाईड संवर्ग वाणिज्य सह टिकट लिपिक बनाने का निर्णय लिया गया।

तदोपरान्त RBE No. 59/2019 दि० 05.04.2019 में निर्देशित किया है, कि दो ग्रुप में वरीयता निम्न प्रकार से अनुरक्षित की जायेगी:-

(1) जिन कर्मचारियों की नियुक्ति दिनांक 22.02.2018 के पूर्व हुई है उनका वरीयता पूर्व की तरह बना रहेगा।

(2) जिन कर्मचारियों की नियुक्ति दिनांक 22.02.2018 से/के बाद हुई है उनका वरीयता यूनिफाईड संवर्ग में होगा।

उपरोक्त के निरंतरता में सूचित किया जाता है कि निजी अनुरोध पर अन्तर रेलवे/मंडलीय स्थानांतरण सीधी भर्ती कोटा की वर्तमान की रिक्ति के विरुद्ध किया जाता है, तथा सीधी कोटा की वर्तमान रिक्ति यूनिफाईड संवर्ग की ही होती है। अतः दिनांक 22.02.2018 और उसके बाद जो भी कर्मचारी पूमरे में अन्य रेलवे/मंडल/यूनिट से स्वयं के अनुरोध पर स्थानांतरण पर आए हैं/आयेंगे, उनकी वरीयता यूनिफाईड संवर्ग में रखा जाये।

45. Pursuant thereto, merged/unified seniority list was published on 09.02.2023 in which the names of the applicants were included.

46. Being aggrieved with the said seniority list dated 09.02.2023, the applicants approached before the tribunal by filing Original Application being O.A. No. 051/00253/2023.

47. During course of before the tribunal, the applicants placed copy of order dated 28.08.2025 passed in OA No. 266 of 2024 stating that applicants being similarly placed with the applicant of that OA, same and similar relief may be granted to the applicants.

48. The learned tribunal, after going through the order dated 28.08.2025 passed in OA No. 266 of 2024 and found that the said matter is similar to the present Original Application and quoted the relevant part of the order.

49. The learned tribunal, at paragraph 8 of the impugned order has come to the conclusion that “...*Going by the above order of this Tribunal in OA. No. 266/2024, this OA deserves to be allowed.*” Accordingly, the Original Application was allowed on the terms as enumerated at paragraph 9 of the impugned order, which is the subject matter of instant writ petition.

50. The main thrust of argument, as made out learned counsel for the petitioners-railways, is that the learned tribunal while passing the impugned judgment did not take into consideration the relevant circulars of railway in particular the clarification letter dated 08.02.2023 wherein clarified that those who have been transferred from other Divisions and those who have been appointed after 22.02.2018 their seniority will be counted in unified cadres. Further, the impugned seniority list dated 09.02.2023 has

been quashed without quashing the said clarification letter dated 08.02.2023 and even that was not challenged by the applicants. Furthermore, learned tribunal has erred that the subject matter involved in order dated 28.08.2025 passed in O.A. No. 266 of 2024, is similar to present one, rather, as a matter of fact both Original Applications have different subject matter.

51. While on the other hand, the applicants-respondents herein have stated that the tribunal has rightly quashed the impugned seniority list on the basis of relevant circulars/letters and order dated 28.08.2025 passed in O.A. No. 266 of 2024 and further taking note of the fact that the applicants have been appointed way back in the year 2012 i.e., much before the cut-off date in question i.e., 22.02.2018 and the applicants have been assigned bottom seniority on their transfer to Dhanbad Division on their own representation but this does not change their date of appointment and even their number of years in service will be counted in the matters of future promotion as well as other retiral benefits.

52. This Court, on the aforesaid factual aspects, circulars and order(s) passed by the tribunal in O.A. No. 266 of 2024, has found that for clarification of circular dated 22.02.2018 and 05.04.2019, clarification letter dated 08.02.2023 was issued clarifying the situation that those

who have been transferred from other Divisions and those who have been appointed after 22.02.2018 their seniority will be counted in unified cadres.

53. Thus, from the clarification letter dated 08.02.2023, it is ample clear that since the applicants have been transferred from other Divisions on their own choice after 22.02.2018, as such their seniority was required to be counted in the unified cadres. Accordingly, unified seniority list was published vide letter dated 09.02.2023, which cannot be faulted with. But the learned tribunal has not taken into consideration these fact while quashing the seniority list dated 09.02.2023.

54. The other ground, upon which, the Original Application has been allowed is the order passed in Original Application No. 266 of 2024 and the learned tribunal has opined that issue involved in Original Application No. 266 of 2024, upon which the applicants have relied upon, is similar to that of the present Original Application [O.A. No. 253 of 2023].

55. In such view of the matter, this Court has delved into the issue involved in that Original Application being O.A. No. 266 of 2024. For ready reference, the relevant paragraph of order passed in O.A. No. 266 of 2024, as mentioned in the impugned order is reproduced hereunder as:

"17. It is an admitted fact that all the applicants were declared and selected for the post of Ticket Examiner in P.B. Rs. 5200-20200 to GP Rs. 2000 (level-3) against 33.33% PR quota on 10.12.2018 (Annexure-A), thereafter they were sent to promotional post training from 15.04.2019 to 15.05.2019.

18. On successful completion of training vide letter no. ZRTI/05/TE/ini/Prom/19 dated 28.05.2019, all the applicants were posted as Ticket Collector/Ticket Examiner in GP-2000/ (Level 3 as per 7th CPC) vide order No. 1880/06/Posting/Pay Fixation/19/ dated 12.06.2019 and after relieving from their respective working place they joined the post of Ticket Collector/Ticket Examiner on different dates of August, 2019.

19. It is also an admitted fact that two candidates namely, Shri Gaya Pandit and Gopal Kumar who were newly recruited directly from RRB as Ticket Collector/Ticket Examiner in the same grade pay were also sent for initial training from 13.04.2019 to 15.05.2019, i.e. the same period when all the applicants have completed their training after their selection to the said posts.

20. Shri Gaya Pandit and Gopal Kumar have joined their duty on 31.05.2019. Moreover, applicants could not be able to join the duty to the post for the reason that they were not relieved by the respondents to do so.

21. In case the respondents have taken their action forthwith to relieve the applicants for joining of their duty to the post of Ticket Collector/Ticket Examiner, then, applicants must have joined their duty to the post along with Shri Gaya Pandit and Shri Gopal Kumar.

22. Applicants should not be held liable for the inaction/lethargic action of the respondents for causing delay in their relieving and resultant delay in joining for duty to the post of Ticket Collector/Ticket Examiner. If the applicants were not immediately relieved due to the delay attributable to the respondents then the applicants should not be made to suffer.

23. It is specifically admitted by the respondents in Para 5 (V) of their WS that "...when the dates of entry into a grade

of promoted railway servants and direct recruits are the same, they should be put in alternative positions, the promotees being senior to the direct recruits, maintaining inter se seniority of each group.

24. It may be safely stated that the case of the applicants is similar to the case of Shri Gaya Pandit and Shri Gopal Kumar and thus applicants should also be granted the same and similar treatment with all consequential benefits as already accorded to Shri Gaya Pandit and Shri Gopal Kumar.

CONCLUSION

25. From the above analysis we are of the view that the prayer of the applicants made in para 8 (1) & 8(ii) of their O.A. as mentioned in para 1 of this order are having merit and deserve to be allowed. As a result, OA is allowed. The respondent authorities are further directed to implement this order within 60 days from receipt of certified copy of the same.

26. No order as to costs."

56. From perusal of the order, as quoted hereinabove, the factual aspect involved therein that all the applicants of the said case were declared and selected for the post of Ticket Examiner against 33.33% PR quota on 10.12.2018 (Annexure-A), thereafter they were sent to promotional post training from 15.04.2019 to 15.05.2019. On successful completion of training all the applicants were posted as Ticket Collector/Ticket Examiner vide order No. dated 12.06.2019 and after relieving from their respective working place they joined the post of Ticket Collector/Ticket Examiner on different dates of August, 2019.

57. The case of the applicants in the said case is that, the applicants could not be able to join the duty to the post

for the reason that they were not relieved by the respondents forthwith and other two persons had joined on 31.05.2019.

58. Taking into inaction on behalf of the respondent concerned the learned tribunal has allowed the said case and has observed that the applicants are similar to the case of the said two other persons and thus applicants should also be granted the same and similar treatment with all consequential benefits as already accorded to Shri Gaya Pandit and Shri Gopal Kumar.

59. But herein the issue involved is that whether the applicants is to be placed in the unified category of "*Commercial and Ticketing Staff*" upon merger of three cadres i.e., Commercial Clerk (CC), Ticket Checking (TC) and Enquiry Cum Reservation Clerk (ECRC) into unified category of "*Commercial and Ticketing Staff*", or they shall be placed in separate cadre of 'Ticket Checking' based upon the circular(s) being Circular No. RBE No. 28/2018 dated 22.02.2018 and RBE No. 59/19 dated 05.04.2019 and its clarification circular/letter dated 08.02.2023.

60. From the aforesaid deduction, it is apparent that the factual aspect of O.A. No. 266 of 2024, upon which reliance has been placed by the learned Tribunal, and consequent thereto the allowance of O.A. No. 051/00253/2023 against which the present writ petition has been preferred, is altogether distinct and unrelated to

the issue involved in O.A. No. 051/00253/2023. Therefore, on this ground also, the order impugned dated 17.12.2025 passed in O.A. No. 051/00253/2023 is vitiated and cannot be sustained.

61. At this juncture it needs to refer herein that the Hon'ble Apex Court in the case of **Padma Sundara Rao vs. State of T.N.**, reported in **(2002) 3 SCC 533** has observed that it is to be remembered that judicial utterances are made in the setting of the facts of a particular case and one circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases. It has further been observed that disposal of cases by blindly placing reliance on decision is not proper. For ready reference, the relevant paragraph of the aforesaid judgment is being quoted as under:

"9. Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. There is always peril in treating the words of a speech or judgment as though they are words in a legislative enactment, and it is to be remembered that judicial utterances are made in the setting of the facts of a particular case, said Lord Morris in Herrington v. British Railways Board [(1972) 2 WLR 537 : 1972 AC 877 (HL) [Sub nom British Railways Board v. Herrington, (1972) 1 All ER 749 (HL)]] . Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases."

62. Likewise, the Hon'ble Apex Court in the case of **Ashwani Kumar Singh Vs. U.P. Public Service**

Commission, reported in **AIR 2003 SC 2661** has observed that reliance on a decision cannot be placed without discussing whether it was rendered in the same factual and legal background and judgments of Court cannot be construed as statutes since judges interpret words of statutes. The relevant paragraph is being quoted as under:

"12. Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases. Disposal of cases by blindly placing reliance on a decision is not proper."

63. Similar view has been taken by the Hon'ble Apex Court in the case of **Union of India Vs. Amrit Lal Manchanda**, reported in **AIR 2004 SC 1625**, wherein, at paragraph-17, it has been held as under: -

"17. Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases. Disposal of cases by blindly placing reliance on a decision is not proper."

64. Thus, it is evident from the aforesaid settled proposition of law that reliance on a decision cannot be placed without discussing whether it was rendered in the same factual and legal background, therefore, it is incumbent upon the Court of law that merely by making reference of the judgment rendered in a case, cannot be said to be just and proper in allowing the relief claimed for by the party concerned and further court of law should not place reliance on decisions without discussing as to how the

factual situation fits in with the fact and situation of the decision on which reliance is placed.

65. In such view of the matter, this Court is of the considered opinion that the issue involved in O.A. No. 266 of 2024 is in no manner similar to the subject matter of O.A. No. 253 of 2023, as discussed and referred to hereinabove. Therefore, on this ground also, the conclusion arrived at by the learned Tribunal while allowing the Original Application is unsustainable and liable to be set aside.

66. This Court, upon meticulous scrutiny, discerns error apparent on the face of the order. The order rendered by the learned Tribunal is tainted with perversity. Accordingly, in exercise of the plenary power of judicial review, this Court is constrained to hold that the impugned order warrants interference.

67. In the conspectus of the facts, circumstances, and the judicial pronouncements adverted to hereinabove, this Court is persuaded to the conclusion that the impugned order dated 17.12.2025, passed by the learned Central Administrative Tribunal, Patna Bench, Circuit Bench at Ranchi in O.A. No. 051/00253/2023, cannot be sustained in law and requires interference.

68. Resultantly, the order dated 17.12.2025 passed by the learned Central Administrative Tribunal, Patna Bench,

Circuit Bench at Ranchi in O.A. No. 051/00253/2023, is hereby quashed and set aside.

69. In view of the foregoing discussion, the matter is remitted back to the learned Tribunal for fresh consideration, taking into account all factual aspects and in accordance with law.

70. With the aforesaid observations and directions, the instant writ petition stands disposed of.

71. Pending Interlocutory Application(s), if any, stand(s) disposed of.

I Agree

(Sujit Narayan Prasad, J.)

(Sanjay Prasad, J.)

(Sanjay Prasad, J.)

10th August, 2026

A.F.R

Alankar/-

Uploaded on 10.08.2026