

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1346/2001

New Delhi, this the 13th day of September, 2002.

HON'BLE SHRI JUSTICE V.S.AGGARWAL, CHAIRMAN
HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

Vasundhra Sawant W/O T.M.Sawant,
Chief Catering Inspector/N.Rly.,
Parliament House Complex,
New Delhi
R/O 121-E, Rly. Colony,
Babar Road, New Delhi-110001.

... Applicant

(By Shri M.L.Sharma, Advocate)

-versus-

1. Union of India through
General Manager, Northern Railway,
Baroda House, New Delhi.
2. Chief Personnel Officer,
N.Rly., H.Q. Office Baroda House,
New Delhi.
3. Chief Commercial Manager,
N.Rly., H.Q. Baroda House,
New Delhi.
4. Shri Syed Shahid Karim,
Ex-Chief Catering Inspector/N.Rly.,
presently working in E.C.Railway,
through OSD, E.C.Railway,
Hajipur, Bihar. ... Respondents

(By Shri Rajinder Khatter for Shri V.S.R.Krishna,
Advocate on behalf of Respondents 1 to 3; and
Shri B.S.Mainee, Advocate for Respondent No.4)

O R D E R (ORAL)

Shri V.K.Majotra, Member (A) :

Applicant has challenged Annexure A-I dated
2.5.2001 whereby, among others, respondent No.4, Shri
Syed Shahid Karim, was allowed to take part in the
selection for the post of Catering Superintendent
grade Rs.7450-11400 (RPRS), Parliament House Catering
Complex, New Delhi, stating therein that he was
"Presently working in E.C.Railway and holding his lien
in the cadre of CIC/PH on N.Railway." Applicant has

also challenged Annexure A-II dated 18.5.2001 whereby her representation dated 15.5.2001 against permission to call respondent No.4 in the aforestated selection has been rejected on the ground that lien of respondent No.4 has not yet been suspended from the cadre of CIC, Northern Railway.

2. It is an admitted fact that respondent No.4 and applicant have been working as Chief Catering Inspector in Parliament House Catering Complex since 21.3.1997 and 22.4.1999 respectively. Whereas respondent No.4 was transferred to E.C.Railway vide order dated 12.8.1997, applicant continued to function in the Parliament House Catering Complex. She was promoted as CIC Gr.Rs.6500-10500 w.e.f. 22.4.1999. One post of Catering Superintendent grade Rs.7450-11500 was sanctioned vide Railway Board's letter of 18.4.2001. The present controversy is regarding allowing respondent No.4 to participate in selection for the said post.

3. The learned counsel of applicant stated that 4th respondent was transferred to E.C.Railway as per his own request and as per rules he could not have retained his lien in the Northern Railway in terms of rules 239 to 241, Indian Railway Establishment Code, Volume-I and as such he could not have been allowed to participate in the selection for the post of Catering Superintendent.

4. On the other hand, it has been stated on behalf of respondents that Railway Board vide letter dated 6.12.1996 decided to call applications from staff working in various Zonal Railways to serve in the Headquarters of the new Railway Zones which were set up vide Railway Board's letters dated 16.9.1996 and 8.10.1996. It was mentioned in paragraph 6 of letter dated 6.12.1996 that

the lien of the staff proceeding on transfer to the new Zonal Railways should not be transferred for the present and the staff transferred to the new Zonal Railways will continue to progress in their parent Railway till the new Zonal Railways become operational. These instructions were repeated in Railway Board's letter dated 20.8.1997.

4. Related instructions regarding retention of lien on transfer to new Zonal Railways (Railway Board's letter dated 6.12.1997) read as follows :

"6. The cadres in the headquarters offices of the new zonal railways will remain open till the date of the new zonal railway becoming operational and till then the staff transferred thereto will continue to progress in their original cadres. Accordingly, in the new zonal railways, normally no promotion should be resorted to and in case any promotion is given to the transferred staff the same will be treated as adhoc. The new recruitment till the date of new zones becoming operational and will meet their requirement as it arises only from the optees."

5. Notice dated 12.8.1997 of Northern Railway regarding transfer of respondent No.4 to E.C.Railway, Hajipur states, "Shri Syed Shahid Karim will hold his lien as Chief Catering Inspector Gr. Rs. 2000-3200 (RPS) in Parliament House Catering Complex till the operation of E.C.Railway."

6. In the background of Railway Board's instructions dated 6.12.1996 and transfer orders of respondent No.4 to E.C.Railway, it is clear that on the transfer of respondent No.4 to E.C.Railway his lien was retained in the Northern Railway and he is entitled to consideration for promotion in his original cadre, i.e., the Northern Railway. Respondents have clearly stated in their counter that respondent No.4 is still holding

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his lien in the cadre of Chief Catering Inspector grade Rs.6500-10500 in the Northern Railway.

7. Having regard to the reasons stated above, we do not find any merit in the O.A. which is dismissed accordingly. No costs.

V.K.Majotra

(V.K.Majotra)
Member (A)

V.S.Agarwal

(V.S.Agarwal)
Chairman

/as/