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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.719/99

New Delhi this the 2<sup>nd</sup> day of September, 1999.

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman(J)  
Hon'ble Mrs. Shanta Shastry, Member (A)

1. Shri Kedar Nath
2. Shri Yad Ram
3. Shri Pramod Kumar
4. Shri Ram Bricksh Singh
5. Shri Ved Prakash
6. Shri Ram Arun
7. Shri Rakesh Cecil
8. Shri Naresh Kumar

...Applicants

(By Advocates Shri P. Niroop with Sh. Anil Kumar Verma)

-Versus-

1. Union of India,  
through its  
Secretary,  
Ministry of Railways,  
Baroda House,  
New Delhi.
2. General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
3. Divisional Railway Manager,  
Northern Railway,  
Bikaner,  
Rajasthan.

...Respondents

(By Advocate Shri R.L. Dhawan)

ORDER

By Reddy, J.

With the consent of the learned counsel for both the parties the OA is taken up for final hearing. We have heard the learned counsel.

2. The applicants are employed as Fireman-II in the Bikaner Division of the Northern Railway. Due to closure of steam loco activities in various Divisions the staff working as Fireman-I and II were declared surplus. To re-deploy the

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surplus-staff Railways issued a circular dated 19.5.95 whereby it was directed that all Firemen-I should be redeployed as Diesel Assistants irrespective of their age and qualifications and all Firemen-II should be considered for promotion in the remaining vacancies of the Diesel/Electrical Assistants by subjecting them to a process of screening. The remaining vacancies should be filled up by the normal method of promotion of cleaners and other eligible categories. It is the case of the applicants that accordingly they were directed to report for a screening test for the posts of Diesel Assistants. But the test had to be postponed. Again the applicants were asked to give their options in 1997 for deploying in various other posts in the Divisions like Booking Clerks/Ticket Collectors etc. and accordingly the applicants submitted their options. The applicants were also asked if they were willing to go to other Divisions but no such options were given by them. By virtue of the impugned order dated 17.3.99 the applicants were, however, transferred to other Divisions contrary to their options.

3. The learned counsel for the applicants submits that the applicants cannot be subjected to inter-Divisional transfer. As per the Railway Board's circular the surplus staff are entitled to be absorbed and utilised within the Division.

4. The case of the respondents, however, as is evident from the counter-affidavit, is that 144 Firemen-II were found surplus in the Bikaner Division

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due to the closure of steam locos and diesel traction it was found that there was no possibility of adjustment of the surplus staff in the higher posts for a period of five years. It was not possible to redeploy the applicants in the Bikaner Division. It was also found that the vacancies were nil in other categories like Booking Clerks etc. Subsequently, it was averred, options have been obtained from the Firemen-II for their redeployment in the higher posts of Diesel Assistants in Delhi/Ambala Division and the Firemen-II, including the applicants have given their willingness. Accordingly, the applicants were subjected to screening test and those who were found eligible for promotion to the higher posts were ordered for transfer and deployment as per their willingness in other Divisions by the impugned order. Hence, it is stated that the impugned order having passed as per the willingness of the applicants the same cannot be questioned by the applicants.

5. From the above pleadings, it is clear that the respondents have followed the circular dated 19.5.95 and in view of the problems faced by them as to the adjustment of the surplus staff in the higher grades in the Bikaner Division as also the non-availability of vacancies in other categories the applicants have to be transferred to other divisions. The contention of the applicants, therefore, that they have been transferred against their options cannot be accepted. The learned counsel contends that as per the Master circular by the Railway Board issued in the proceedings dated 27.3.91 the surplus staff have to be absorbed in the same division. We

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do not agree. The 1995 circular has been passed on the basis of the guidelines issued by the master circular. The present procedure adopted is in accordance with the procedure specified for their redeployment.

6. The impugned OM has also come up for adjudication before the Jodhpur Bench in OA-112/99 and OA-89/99 and OA-108/99. These cases were disposed of on 23.6.99 (OA-112/89 & OA-89/99) and 26.4.99 (OA-108/99), upholding the same impugned order. We do not find any warrant, therefore, to interfere with the impugned order. The O.A. is, therefore, dismissed, in the circumstances, no costs.

*Shanta S*

(Smt. Shanta Shastry)  
Member (A)

*V. Rajagopala Reddy*

(V. Rajagopala Reddy)  
Vice-Chairman(J)

'San.'