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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

O.A.No.2245/1996

New Delhi: this the 5th day of June, 1997.

HON'BLE MR.S.R.ADIGE, MEMBER(A).

1. Man Singh,
S/o Shri Karam Singh,
B.M.Khallasi,
Northern Railway Loco Shed,
Saharanpur.

2. Kismat Singh,
S/o Sh. Ram Chander,
B.M.Khallasi,
Northern Railway, Loco Shed,
Saharanpur.

3. Balbir Singh,
son of Sh.Uttam Singh,
Fitter Khallasi,
N.Rly. Loco Shed,
Saharanpur.

.....Applicants.

(By Advocate: Shri G.D.Bhandari)

Versus

1. Union of India
through
General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Divisional Railway Manager,
Northern Railway,
Ambala Cantt.

..... Respondents.

(By Advocate: Shri R.L.Dhawan)

JUDGMENT

HON'BLE MR.S.R.ADIGE MEMBER(A).

Applicants who admittedly were Khallasis in Steam Shed of Ambala Division, Northern Railway, impugn respondents' order dated 4.10.96 (Annexure-A1) and seek placement as Cleaners in Diesel(Running) Side.

2. It transpires that traction in the Indian Railways can be divided broadly into two segments; viz. Diesel cum Electric and Steam. Staff in each of the segments is itself placed at the operational level on the Maintenance Side or Running Side. Applicants were working as Khallasis on the Maintenance Side in the

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Steam Shed of Ambala Division and consequent to the progressive dieselisation of traction, the Staff in the Steam Shed including applicants were rendered surplus. Option had been called upon for redeployment subject to the availability of vacancies in the other departments as also to the vacancies in the cadre of Loco Cleaners in Diesel (Running) Segment. Applicants opted for change of category as Loco Cleaners and as per their avement had also cleared the psychological and medical tests for the same, but respondents admit that their request for change of category could not be considered as their screening results were withheld and by the time the same was made available, there were no longer vacancies in the cadre of Loco Cleaners. Accordingly, vide impugned order dated 4.10.96, applicants have been redeployed in other departments/ wings without loss of pay or seniority. Applicants claim that consequent to having cleared the psychological and medical tests, they have acquired a prescriptive right to be deployed in the Diesel (Running) Segment and alleged that they have been discriminated against because others, named in para 4.15 of the OA have been so redeployed. They also contend that vacancies in the cadre of Loco Cleaners are still available with respondents, against which applicants could be redeployed.

3. In so far as the persons named by the applicants are concerned, respondents in their reply have stated that they got their category changed to Loco Cleaners, prior to the receipt of options of the applicants, by giving false declarations of having screened and disciplinary proceedings have

separately been initiated against them.

4. The question whether or not vacancies in the cadre of Loco Cleaners are available against which applicants could be adjusted is a question of fact. In case applicants have information of the availability of vacancies of Loco Cleaners against which they could be redeployed in accordance with rules and instructions which is readily not within the knowledge of respondents, it is open to applicants to bring details of the same to the notice of respondents by filing a self contained representation on receipt of which respondents should examine and dispose of the same in accordance with rules and instructions on the subject as expeditiously as possible and preferably within 3 months of the date of receipt of the representation under intimation to applicants.

5. This OA is disposed of in terms of para 4 above. No costs.

S. R. Adige
(S. R. ADIGE)
MEMBER (A).

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