

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1204/94

199

T.A.No.

(12)

DATE OF DECISION 18-11-99

Sh.Kuldip Singh and Ors

....Petitioner

Sh.B.S. Mainee

....Advocate for the
Petitioner(s)

VERSUS

UOI & Ors

....Respondent(s)

Sh.R.L.Dhawan

....Advocate for the
Respondents.

CORAM

The Hon'ble Smt.Lakshmi Swaminathan, Member (J)

The Hon'ble Shri S.P.Biswas, Member(A)

1. To be referred to the Reporter or not? Yes
2. Whether it needs to be circulated to other Benches of the Tribunal? No.

Lakshmi Swaminathan
(Smt.Lakshmi Swaminathan)
Member(J)

Central Administrative Tribunal
Principal Bench

O.A. 1204/94

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New Delhi this the 18 th day of November, 1999

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri S.P. Biswas, Member(A).

1. Kuldip Singh, Hindi Typist,
S/o Shri Ram Singh,
2. Surinder Kumar, Hindi Typist,
S/o Shri Banwari Lal,
3. Jai Shankar Lal, Hindi Typist,
S/o late Shri Shiv Charan Behari Lal,
4. Usha Rani Kakar, Hindi Typist,
W/o Shri Sham Kumar Kakar,
5. Yogesh Chander Saran, Hindi Typist,
S/o Karam Chand Bajaj,
6. Kishan Chand, Sr. Typist,
S/o Shri Thakur Dass,
7. Keshar Singh Rana, Typist,
S/o Shri Bhopal Singh Rana,
8. Om Lal Chugh, Typist,
S/o Shri Mohri Ram Chug,
9. Gopal Prasad Sharma, Typist,
S/o Shri Har Prasad Sharma,
10. Ram Vishal Mishra, Jr. Typist,
S/o Shri Chandra Dhar Mishra, ...Applicants.

(All working at DRM, Northern Railway,
New Delhi)

By Advocate Shri B.S. Mainee.

Versus

1. The Secretary,
Railway Board (Min. of Railways),
Rail Bhawan,
New Delhi.
2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
3. The Divisional railway Manager,
Northern Railway,
State Entry Road,
New Delhi. ... Respondents.

By Advocate Shri R.L. Dhawan.

RS.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

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The applicants, who are working as Typists are aggrieved by the order dated 7.4.1993 passed by Respondent 3, i.e. the Divisional Railway Manager (DRM), Northern Railway, New Delhi, in implementing the Restructuring Order issued by the Railway Board dated 27.1.1993.

2. The brief facts of the case are that the applicants are working as Typists, Senior Typists and Head Typists under the Railway Administration- the DRM, Northern Railway, New Delhi. In accordance with the Railway Board's order dated 27.1.1993, restructuring of certain cadres had been sanctioned w.e.f. 1.3.1993. Under the Restructuring Order, higher grade posts have been increased and lower grade posts have been decreased as a result of which a large number of posts have been upgraded with regard to the cadre of Typists. The applicants claim that on the basis of the seniority lists issued by the DRM's office dated 21.2.1994 and 14.6.1993 of Typists in the grade of Rs.950-1500, Sr. Typists in the grade of Rs.1200-2040, Head Typists in the grade of Rs.1400-2300 and Superintendents (Type) in the grade of Rs.2000-3200, their strength is at least 104 in the office of DRM, N.Delhi. This, they claim, is the permanent and regular strength of the cadre of Typists in this Office.

3. The respondents have stated in their reply that the Restructuring Order has been given effect to in respect of 49 regular posts of Typists w.e.f. 1.3.1993. According to them, 46 regular posts of Typists in the grade of Rs.950-1500 are being utilised against work charged posts which have not been counted for the purposes of restructuring as per the Railway

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Board's directions. In the rejoinder, the applicants ⁽¹⁵⁾ have admitted that 15 posts of Typists were transferred to the Ambala Division and 94 posts, including 27 vacancies, were transferred to the Headquarters Office. However, they still maintain that there are as many as 104 regularly selected Typists in the Delhi Division, as seen from the seniority lists issued by the respondents while the benefit of restructuring has been given to only 49 Typists and the others who are working in that cadre, have been left out arbitrarily on the ground that they are posted against work charged posts. They have submitted that the total strength of 104 Typists should have been considered by the respondents under the Restructuring Order. They have also submitted that even the posts of Typists against work charged posts are existing for more than 10 years but the respondents have not cared to consider them as regular posts or carry out a proper review of the posts as required under the Administrative Rules. They have also submitted that they have submitted detail representations to the respondents (Annexure A-7) against the action taken by them, but no reply has been given.

4. In the reply filed by the respondents, we find that while on the one hand they have stated that they have implemented the Restructuring Order of the Railway Board in letter and spirit, they have also submitted the applicants' representations to the Headquarters Office for issuance of necessary guidelines, by their letter dated 16.3.1994. Shri B.S. Mainee, learned counsel for the applicants, has drawn our attention to the letter dated 18.4.1994 (Annexure 'B' to the Rejoinder). This letter deals with the subject of incorrect implementation of the Restructuring Order in respect of the Typist cadre. It is also noticed from the letter that the claim of the applicants that there were about 100-110 posts of

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Typists whereas only 49 posts have been taken into consideration for restructuring purposes was also under consideration, in which it has been remarked that "nothing has been stated about the remaining posts in the Delhi Division" and a clarification had been sought.

5. From the above, it is seen that the issue raised in this case is essentially of a factual nature, namely, whether there were only 49 posts in the cadre of Typists in the DRM Office, New Delhi/Delhi Division as claimed by the respondents or more than 100 such posts, as claimed by the applicants. It is also relevant to pertinent that the respondents have also referred to Annexure R-1 in their reply which has, however, not been annexed, to substantiate their averments. Therefore, the respondents ought to have completed their exercise of review of the situation of the Typists cadre in a proper manner.

6. In the light of what has been stated above, the O.A. is disposed of with the following directions:

(a) Respondents 1-3 to consider the representations made by the applicants dated 24.5.1993 and 6.6.1993, if not already done, and dispose them by a detailed and speaking order in accordance with the relevant Rules and Instructions, with intimation to them;

(b) In case the respondents find that the number of posts in the cadre of Typists are to be increased, then such of those persons who are placed in the higher grades as a result of the restructuring shall be entitled to the same benefits, as have been given to

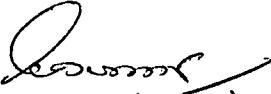
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similarly situated persons earlier under the Restructuring Order dated 27.1.1993;

(c) The above action shall be taken within three months from the date of receipt of a copy of this order.

No order as to costs.


(S.P. Biswas)
Member(A)


(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'