

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 291/298/2019

DATE OF ORDER: 13.08.2020

CORAM

**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER
HON'BLE MRS. HINA P. SHAH, JUDICIAL MEMBER**

Aseem Khan son of Late Shri Abdul Rafiq Khan, aged about 27 years, Resident of Plot No. 90-91-B, Gyan Vihar, Poonam Colony, Kota – 324002 and presently working as Technician Grade-III, under Senior Section Engineer (TRS), Trip Shed, West Central Railway, Kota Division, Kota – 324002.

....Applicant

(Group-C, Mob. 8619371146)

Shri C.B. Sharma, counsel for applicant (through Video Conference.

VERSUS

1. Union of India through General Manager, West Central Zone, West Central Railway, Indira Market, Jabalpur – 482001.
2. Divisional Railway Manager, West Central Railway, Kota Division, Kota – 324002.
3. Senior Divisional Electrical Engineer (TRO), West Central Railway, Kota Division, Kota – 324002.
4. Senior Section Engineer (TRS), Trip Shed, West Central Railway, Kota Division, Kota – 324002.

....Respondents

Shri P.K. Sharma, counsel for respondents (through Video Conference.

ORDER (Oral)**Per: Hina P. Shah, Judicial Member**

The applicant has filed the present Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking for the following reliefs:

- "(i). That the respondents may be directed to allow the applicant to hold the original post i.e. Technician Grade-III, at present place of posting at Kota till promotion on the post of Assistant Loco Pilot in Kota Division by quashing letter dated 20/05/2019 (Annexure-A/1) with all consequential benefits.
- (ii) That the respondents be further directed not to force the applicant to work in Jabalpur Division as ordered vide order dated 18/12/2018 (Annexure-A/2) without his request / consent and name of the applicant be deleted from the same by maintaining panel position of the applicant as issued vide letter dated 01/12/2017 (Annexure-A/8) for seniority as well as other benefits with all consequential benefits.
- (iii) Any other order, direction or relief may be passed in favour of the applicants which may be deemed fit, just and proper under the facts and circumstances of the case.
- (iv) That the costs of this application may be awarded."

2. Brief facts of the case, as stated by the applicant, are that he was initially appointed as Apprentice, Technician Grade-III on 10.02.2010. His services were

regularized on 21.03.2013 and since then he is working with the respondents at Kota. Against 50% ranker quota for promotion to the post of Assistant Loco Pilot, he applied and was found eligible for the said post. He, thereafter, passed the written examination as well as Psychology test and was also declared fit in medical examination in A-1 category. He underwent training and was declared as selected candidate. As per letter dated 18.12.2018 (Annexure A/2), respondents directed the selected candidates to work at Jabalpur Division by maintaining their lien and seniority at Kota Division. It was applicant's request vide his application dated 08.05.2019 to allow him to continue to work on his original post i.e. Technician Grade-III at Kota till the vacancy of Assistant Loco Pilot is available at Kota Division. The respondent No. 3 vide letter dated 20.05.2019 directed the respondent No. 4 to relieve the applicant immediately in pursuance to the order dated 18.12.2018. Applicant filed the present Original Application as without his consent he could not be ordered to work in another division and, therefore, such action of the respondents is liable to be quashed and set aside.

3. The respondents, after issue of notices, have filed their reply. As per the amended reply dated 15.07.2019, they stated that the applicant was duly selected for the post of Assistant Loco Pilot after he has undergone written test, psychology test, medical examination and prescribed training as required. In the year 2018, cadre review was done by Head Office Jabalpur through letter No. WCR/ PHQ/ 1260/ Cadre/ Review / 2017-18 dated 27.04.2018 (Annexure R/1). As per the said cadre review, 35 posts of Assistant Loco Pilot were surrendered at Kota Division. As a result, all 22 employees of running cadre were declared surplus at Kota Division. As there were no vacancies in Kota Division, these employees were sent to Jabalpur Division on loan basis keeping their lien and seniority in Kota Division vide order dated 25.10.2018 (Annexure R/4). It was also stated that as and when the vacancies will be available at Kota Division, these employees will be brought back at Kota Division. Therefore, the respondents state that there is no illegality in the orders of the respondents and the present Original Application deserves to be dismissed.

4. The applicant has filed a rejoinder denying the submissions of the respondents and further stated that

he has never given his willingness to work at Jabalpur Division and that he made a request to continue him to work on his original post till vacancy of Assistant Loco Pilot is available at Kota Division.

5. The respondents, thereafter, has filed Misc. Application being M.A No. 291/327/2020 dated 09.07.2020 for bringing subsequent development on record. As per the said Misc. Application, the facts pertaining to the selection of the applicant on the post of Assistant Loco Pilot are reiterated, which are not in dispute. It is pointed out by the respondents that due to cadre review done by Head Office, Jabalpur through letter No. WCR/ PHQ/ 1260/ Cadre/ Review/ 2017/18 dated 27.04.2018, 68 posts were surrendered in Kota Division. Therefore, 23 candidates of GDCE and RRB were already sent to Jabalpur Division and it was also decided that remaining 10 employees of ranker quota, who cleared all the conditions but due to non-availability of vacancies of Assistant Loco Pilot at Kota Division, were posted at Jabalpur Division on loan basis keeping their lien and seniority in Kota Division. It was further stated that as and when vacancies are available at Kota Division, these employees will be called back at Kota Division. Subsequently, the

applicant has been posted at Kota Station on the post of Assistant Loco Pilot vide order dated 22.11.2019 (Annexure R/5). As the grievance of the applicant has been sorted out, the present Original Application has become infructuous.

6. Heard learned counsels for the parties through Video Conference and perused material available on record.

7. In the present matter, the basic grievance of the applicant is that he should be allowed to continue to work on the promoted post of Assistant Loco Pilot in Kota Division, where he is serving the respondents since his initial appointment. It is clear that after cadre review undertaken by Head Office Jabalpur through letter No. WCR/PHQ/1260/Cadre/Crew Review/2017-18 dated 27.04.2018 (Annexure R/1), total 35 posts of Assistant Loco Pilot and in all 83 posts were surrendered to Kota Division. It was further stated that due to the cadre review and directions issued by the Headquarter, excess employees were working at Kota Division in comparison to their cadre. The applicant as well as other such employees were posted at Jabalpur Division. It was also made clear that the lien and

seniority of such employees will be maintained in Kota Division but they will work at Jabalpur Division and as and when the vacancies of Assistant Loco Pilot are available at Kota Division, these employees will be called back at Kota Division. As per the subsequent letter / order dated 22.11.2019 (Annexure R/5), the applicant has been posted at Kota Station on the post of Assistant Loco Pilot in Pay Band Rs. 5200-20200 + Grade Pay Rs. 1900. As clarified by respondents in their letter / order dated 22.11.2019, the applicant has already been given regular posting station as "Kota". Therefore, now nothing remains to be adjudicated in the present matter.

8. In view of the observations made above, present Original Application is disposed of as infructuous as grievance of the applicant is already resolved. No costs.

**(HINA P. SHAH)
JUDICIAL MEMBER**

**(DINESH SHARMA)
ADMINISTRATIVE MEMBER**