

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1874/1991

New Delhi, this 8th day of February, 1996.

Hon'ble Justice Shri B.C. Saksena, Vice-Chairman  
Hon'ble Shri R.K. Aahooja, Member(A)

S/Shri

1. Ramesh Chander
2. Ram Pal Singh
3. Sursh Singh
4. Harish Chander
5. Vimal Kant
6. Chiranji Lal
7. C. Ramesh
8. Ramesh Chander
9. Om Prakash
10. Rama Rattan Singh
11. Bhoodev
12. Shawmi Nath
13. Ram Pher
14. Ashok Kumar

All working as Electric Khalasi in the office  
Sr.Dvn1. Elec. Engineer(TRS),NR, Ghaziabad .. Applicants

By Shri V.P. Sharma, Advocate

versus

Union of India, through

1. General Manager  
Northern Railway, Baroda House  
New Delhi
2. Divisional Railway Manager  
Northern Railway, Allahabad Dn.
3. The Sr. Divl. Electrical Engineer(TRS)  
Northern Railway, Ghaziabad, U.P. .. Respondents

By Shri H.K. Gangwani, Advocate

ORDER(oral)

Hon'ble Justice Shri B.C. Saksena

The applicants were intially engaged as casual labours in the Delhi Division and they were given CPO ~~scale~~ <sup>scale</sup> status (temporary railway servant) on completion of 120 days continuous service vide order dated 12.1.87. After that the DRM Office, Delhi Division conducted screening on the basis of the number of days and the panel was circulated on 21.5.86. Subsequently, the applicants were transferred from

1  
Rach

Delhi Division to Allahabad Division by letter dated 17.7.86. The applicants claim that they were directed to be rescreened on their transfer to Allahabad Division, by the impugned letter dated May, 1991 contained in Annexure A-1. It is indicated in that letter that before taking the construction staff in Allahabad Division their suitability was adjudged by a committee for their working under Sr. DEE/RS/GZB & CNB, that in the letter relasing names of suitable candidates to be taken from construction, it was clearly mentioned that they will be engaged under Sr. SEE/RS/CNB & GZB as Substitute Khalasi and they will be screened by the screening committee alongwith other eligible shed staff for their regular empanelment and absorption against regular vacancies in future. The applicants have filed this OA for quashing the order of May, 1991 and for further relief that they may be treated as having been screened by the Delhi Division and further screening which was directed to be held by the order dated 17.7.86 be quashed.

2. The respondents have filed counter reply to this to which the applicants have filed rejoinder. On hearing of the parties, there are two questions involved, viz., (1) whether all the applicants prior to their transfer to Allahabad Division had been screened and empanelled in the Delhi Division and (2) whether the relieving order wherein it was indicated that the applicants would be taken as Substitute Khalasi in the Allahabad Division subject to rescreening is bad in law. As far as the first question is concerned, the counter affidavit has indicated that except 3 applicant, the other 11 have not been empanelled in the final order issued on 21.5.86. To this fact, no rebutal has been made in the rejoinder. This position negatives that all the applicants

1  
RJ




have been screened and empanelled prior to their transfer to Allahabad Division, except in relation to 3 of the applicants. Now the 14 applicants after their transfer to Allahabad Division have been subjected to screening and have been empanelled. It is further stated in the reply that the applicants have been assigned seniority with reference to their total no. of working days including that of Delhi Division and therefore it is wrong to say that they have been assigned lower seniority.

3. In view of this statement and facts, since the applicants have not suffered in the matter of their seniority because of their having been rescreened after they were transferred to Allahabad Division, we are not persuaded that our interference is called for. It may be that at the time the OA was filed, when they knew that they would be subjected to rescreening in Allahabad Division, they might have <sup>entertained</sup> ~~had~~ apprehension about their continuance but subsequent to that the applicants have been screened and empanelled and assigned seniority position taking into account the no. of days they have worked in Delhi Division.

4. In view of the ~~above~~ position, we are not ~~going~~ <sup>entering</sup> ~~del~~ into the second question which ~~now~~ <sup>now would be merely academic</sup> ~~now~~ <sup>lacks merit</sup> have ~~the basis~~ for the purpose of this OA. In the result, the OA is ~~inconsistent~~ <sup>del</sup> and is therefore dismissed, allowing the parties to bear their own costs.

Rakesh  
(R.K. Ahuja)  
Member(A)  
8.2.1996

B.C. Saksena  
(B.C. Saksena)  
Vice-Chairman  
8.2.1996