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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No. 938/92.

Date of decision 25.1.93

Hira Lal & Others

... Applicants

V/s

Union of India & Ors.

... Respondents

The Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman (J)

The Hon'ble Member Mr. I.P. Gupta, Member (A)

For the Applicant ... Shri S.K. Bisaria, Counsel

For the Respondents ... Shri H.K. Gangwani, Counsel

(1) Whether Reporters of local papers may be allowed to see the judgement ?

(2) To be referred to the Reporters or not ?

J _ U _ D _ G _ E _ M _ E _ N _ T

[Delivered by Hon'ble Shri I.P. Gupta, Member (A)]

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged a notice placed on the Notice Board regarding withdrawal of Coach Attendants from 3 tier coaches.

2. The Learned Counsel for the applicant said that due to shortage of Travelling Ticket Examiner (TTEs), a T.C. or a Coach Attendant was ordered to be deputed for manning second class sleeper coaches with a view to preventing entry of unauthorised passengers in reserved coaches, security of passengers' luggage, looking after passengers' amenities, checking of ^{tickets} coaches etc. He said that the applicants have

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been manning second class sleeper coaches in terms of these instructions (Annexure A3). By virtue of interim order they have been still manning second class sleeper coaches and performing duties of TTEs. Therefore, the contention of the Learned Counsel for the applicant was that they should be allowed to continue to so man the second class sleeper coaches and also given the grades of TTEs while working as TTEs.

3. The Learned Counsel for the applicant added that these coach attendants had been issuing receipts of realisation of amounts from passengers. Some other coach attendants have been even charged-sheeted for not allotting vacant berths strictly in order of priority and this would indicate that they were discharging of functions of TTEs for which they were made responsible. The Learned Counsel for the applicant further drew our attention to the two letters of Railway authorities dated February, 1992 and November, 1992 which showed that vacancies in the grade of TTEs existed and, therefore, there was no reason for discontinuance of the arrangement of the coach attendants manning second class sleeper as ordered in 1990; ^m ~~moreso,~~ ^{to be} they have been discharging their duties since then.

and

4. The Learned Counsel for the respondents pointed out

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that the applicants were never appointed as TTEs. In fact, there could be no ^{question} objection ^{of} to their appointment as TTEs since coach attendants were Group 'D' employees and above them were ^{Ticket Collectors,} Senior Ticket Collectors and TTEs/ Senior Ticket Examiners. There could be no question of promotion from Group 'D' to STEs/TTEs omitting two intermediate grades. No doubt, they were instructed to man second class sleeper coaches when the shortage of TTEs existed but but they were functioning under the overall ^{control of} TTEs. The coach attendants were appointed, including the applicants for first class compartments for working as coach attendants but they were diverted ^k the second class ^{sleeper} coaches when the shortage of TTEs were there. He averred that the shortage of TTEs in the division in which the applicants were working no longer existed. Of course, the appointments could not be made because of the interim order.

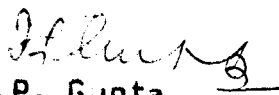
5. We have heard both the counsels in great details. There is no doubt that the applicants were appointed as coach attendant only. Their detailment for manning second class sleeper coaches at the time of need would not alter the nature of their appointment. They were asked to man the second class coaches when there were shortage of TTEs.

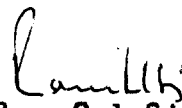
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They were never appointed as TTEs nor could they be so appointed since TTEs are not promotional posts for coach attendants. When the shortage does not exist, there is no reason for their not reverting to their jobs as coach attendants for first class coaches for which they were appointed. The application is, therefore, bereft of merit. It is for the respondents to consider continuing the arrangement ordered by them by their letter of 9th February, 1990 should the vacancy in the grade of TTEs still exist.

6. The application is, therefore, dismissed with no order as to costs.


I.P. Gupta
Member (A) 25/1/93

 25.1.93
Ram Pal Singh
Vice-Chairman (J)