

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1714/93New Delhi: this the 5th day of ~~March~~^{APRIL}, 1999.

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

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J).

1. Sh. Vijay Ram Srivastava,
S/o Sh. Devi Prasad Srivastava,
2. Shri Kishan Lal Yadav,
S/o S. R. Yadav,
3. Shri Dilip Kumar Chaturvedi,
S/o Sh. D.N. Chaturvedi,
4. Shri Shokat Ali,
S/o Sh. Riyasat Ali,
5. Shri D.B. Yadav,
S/o Shri Ram Prasad Yadav,
6. Shri Jagdamba Prasad Yadav,
S/o Sh. Brij Lal Yadav,

All employed as TTE at Delhi
Sarai Rohilla.

.... applicants.

(By Advocate: Shri B.N. Bhargava)

Versus

1. UOI through
the Secretary,
Railway Board,
Rail Bhawan,
New Delhi.
2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
3. The Divisional Railway Manager,
Northern Railway Division,
Bikaner.
4. The Divisional Personnel Officer,
Northern Railway Division,
Bikaner.
5. Shri O.P. Mudgil,
CIT, Northern Railway Station,
Rewari.
6. Shri M.L. Pandey,
CIT, Northern Railway Station,
Rewari.
7. Shri B.L. Pareek,
CIT, Northern Railway Station,
Hanumangarh.
8. Sh. Ramesh Chander, TTE,
Railway Station,
Hissar.

9. Shri Bhag Chand,
T.T.E.
Railway Station,
Hissar. Respondents

(By Advocate: Shri R.L. Dhawan for
R-1 to 4
Shri V.P. Sharma for
R-5 to 9)

ORDER

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicants seek a direction to respondents No.1 to 4 to follow the instructions contained in their circular dated 26.8.64 (Ann. A-1) and dated 9.8.79 (Ann. A-3), and after sending Respondents No.5 to 9 to their own category, consider appointing applicants to the resultant vacancies.

2. We have heard applicants' counsel, official respondents' counsel Shri Dhawan and private respondents' Shri V.P. Sharma.

3. We have been shown the relevant rules (Rules 1301, 1302 & 1303, IREM Vol. I) on the subject and are satisfied that the action of the respondents is in confirmity with these rules and circulars. It is also relevant to note ~~is~~ ^{is} ~~is~~ that the impugned circular dated 26.8.64 has been in existence and acted upon by respondents for nearly 35 years. Further more the decategorisation of staff and their absorption in alternative posts ~~is~~ is made by a committee of senior officers taking into account various factors such as their health, medical and vacancy position etc. and nothing illegal or arbitrary has been brought to our notice in the action of respondents.

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4. During the course of hearing, we were informed that most of the private respondents whom applicants are wanting to be sent back to their category, have already retired on superannuation and are no longer in service.

5. In the result this O.A. warrants no interference and is accordingly dismissed. No costs.

Lakshmi Swaminathan
(Mrs. Lakshmi Swaminathan)

Member (J)

S. R. Adige
(S. R. Adige)
Vice Chairman (A)

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