

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Original Application no.  
Transfer Application no.

14/96 & 1107 of 1995.

Date of Decision

6/12/96

HARI NARAIN PANDEY and others. Petitioner<sup>s</sup>

Sri R.P. Kashyap & Srivastava, & Advocate for the  
Sri P.K. Kashyap. Petitioner

V E R S U S

U.O.I through Genl. Manager, N.R. Respondents.  
Baroda House, New Delhi and others.

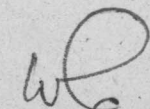
C/B. Sri A.K. Gaur (1 to 4). Advocate for the  
Sri Ashok Khare & S. Singh Respondents.  
(S. Nos 5 to 70)  
Sri A.K. Sinha & P. Sinha (71 to 73)

C O R A M

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. T.L. Verma. J.M.

1. Whether Reporters of local papers may be allowed to see the judgement ?
2. To be referred to the Reporter or not ? X
3. Whether their Lordship wish to see the fair copy X of the judgement ?
4. Whether to be circulated to all Bench ?

  
SIGNATURE

PIYUSH/

RESERVED.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALIHAABAD BENCH.

ALIHAABAD.

Dated This the 6th Day of November, 1996.

CORAM : Hon'ble Mr S.Das Gupta. A.M.  
Hon'ble Mr.T.L. Verma. JA.M.

ORIGINAL APPLICATION NO: 14/96.

1. Hari Narain Pandey s/o Mahesh Narain Pandey
2. Brij Kumar Sahu s/o Late Deveta Deen Sahu
3. Raghunath Prasad s/o Pyali Ram
4. Pawan Kumar s/o Shambhu Nath
5. Balak Ram Pal s/o Kamta Prasad
6. Radhey Shyam Verma s/o Bhaiya Ram Verma
7. Mohd. Ansari s/o Abdul Samar Ansari
8. Mahendra Kumar s/o Bahadur Lal
9. Iftedar Ahmad s/o Iftekar Ahmad
10. Deen Dayal Sharma s/o Ram Narain Sharma
11. Virendra Kumar Sharma s/o Late Sudama Sharma
12. Kailash Chandra s/o Gulzari Lal
13. Avinash Chandra Mishra s/o Daya Shanker Mishra
14. Om Prakash Nishad s/o Ram Kishun Nishad
15. Mehi Lal s/o Ram Sukh
16. Jabar Singh s/o Ram Singh
17. Sangam Lal s/o Jagdeo Prasad
18. Parmatama Nand Tewari s/o Mahendra Nath Tewari
19. Rafiq Ahmad s/o Abdul Jabbar.
20. Chandra Bhan Singh s/o Jagdeo Singh
21. Ram Chandra Gupta s/o Bhullan
22. Santosh Singh s/o Late Sohan Singh
23. Kripa Shanker Pandey s/o Mata Prasad
24. Shio Shanker Patel s/o Sri Bhairo Lal ... Applicants.

C/A S/Shri R.P. Srivastava  
Shri P.K. Kashyap

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Versus:

1. Union of India through the General Manager,  
Northern Railway, Baroda House, New Delhi.
2. Chief Engineer(TSP), Baroda House,  
N.R., New Delhi.
3. Deputy Chief Engineer,  
N.R. SuberdarGanj,  
Concrete Sleeper Plant,  
SubedarGanj,  
Allahabad.
4. Senior Engineer Concrete Sleeper Plant,  
N.Rly, Subedarganj, Allahabad.
5. Subhash pal Son of Sri S.N.Singh.
6. Krishna Kumar son of Ganga Prasad
7. Amar Nath son of Ram Avtar
8. Ravindra pal Singh Bhatia son of K.S.Bhatia.  
S.Nos 5 to 8 as mentioned above, All Master  
Craftsmen in Concrete Sleeper Plant, Northern-  
Railway, SuberGanj, Allahabad.
9. Ram Janam Singh son of Sri S.N.Singh
10. Rangi Lal son of Hargun
11. Rajendra Kumar Jaiswal son of G.D.Jaiswal
12. S.D.Mishra son of Dulary Mishra
13. Mishri Lal son of Ram Lal
14. Pancham Ram son of Ram Nath
15. Jogendra Singh son of Gurubachan Singh
16. Chedi Lal son of Jageswar
17. Sukhdev Singh son of Swadi Singh
18. Rajendra Swaroop son of Jagannath Prasad
19. Ranjeet Singh son of Nayan Singh
20. Vishwa Nath son of Purshottam
21. Lalji Shukla son of Banwari Lal
22. Balbir Singh son of Karan Singh
23. Ram Sanehi son of ~~Karan Singh~~ Ram Suhawan



24. Bhrigu Nath son of Purshottam
25. Matru Lal son o Ram Bharosey
26. Baby Lal son of Chhedi Lal
27. Raghunath son of Bhagirathi
28. Pottan Vishwakarma son of Matru Vishwakarma
29. Ram Vishal Maurya son of Ram Avtar Maurya
30. Ashish Kumar Day son of S.K. Dey
31. Daya Ram son of Ram Sumer
32. Ram Tapeswar Singh son of Jageshwar Singh
33. Baij Nath son of Dashrath Lal
34. Vishwa Nath Misra son of Sukkhu Mishra
35. Raj Kumar Thakur son of Sita Ram
36. Aditya Prasad Shukla son of R.S. Shukla
37. Shyama Charan son of Suggi Lal
38. Gulab Chand son of Ram Khilawan
39. Ramesh Chandra son of Sarju Prasad
40. Bholu Nath son of Ram Nath
41. Arvind Kumar Dwedi son of R.R. Dewedi.
42. Suresh Chandra Pal son of J.P. Pal
43. Sharda Prasad son of Ram Vishal
44. Nand Kishore Singh son of Vasudeo Singh
45. Balmiki Mistri son of Hira Lal Sharma
46. Subrat Parua son of R.K. Parua
47. Umesh Chandra Srivastava son of Lakhpat Sahai
48. Hitai Ram son of Kalideen
49. Bhuneswar Prasad Tripathi son of R.P. Tripathi
50. Prem Chandra Son of Dwarika Prasad
51. Hari Karan Singh son of Karan Singh
52. Ram Dev son of Nandan Prasad
53. Prem Chandra son of Rajaram
54. Shyam Sunder Tiwari son of Hira Mani.

S.Nos: 9 to 54 as mentioned above, all  
 Skilled Grade-1 in Concrete Sleeper plant,  
 Northern Railway, Subedar Ganj, Allahabad.

106

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55. Bansilal son of Kalu Ram
56. Baij Nath-II, son of Ram Jetan
57. Mahadev Pal son of Ram Sunder
58. Ram Kiawan son of Sahdev.
59. Daud Khan son of Mahmood Khan
60. Pramod Kumar Bhatnagar son of P.S. Bhatnagar.
61. Gaya Prasad son of Chulbul.
62. Mani Ram son of Guru Prasad
63. Ram Niranjana Singh son of Shitla Prasad.
64. Shiv Ram son of Ram Adhar
65. Rajendra Kumar Dubey son of R.B. Dubey.
66. Brij Nanda Thakur son of Pokhan Thakur
67. Ashok Kumar Sharma son of B.C. Sharma.
68. Shiv Prasad Son of Bhagwati Bhagwati.
69. Jagan Nath son of Gorkha
70. Preetam Singh son of Dungar Singh.
71. Pramod Ratan Khare son of Sukhdev Ratan Khare.
72. Arun Shanker Gupta son of T.N. Gupta.
73. Mahesh Chandra Yadav son of Chhotey Lal.

S. Nos: 55 to 73 as mentioned above, all  
Skilled Grade-II in Concrete Sleeper Plant,  
Northern Railway Subedarganj, Allahabad.

... .. RESPONDENTS.

C/R. Sri A.K. Gaur (1 to 4)  
Sri Ashok Khare & Sri S. Singh (5 to 70).  
Sri A.K. Sinha & Sri P. Sinha (71 to 73).

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ORIGINAL APPLICATION NO: 1107 of 1995.

1. Dinesh Prasad Maurya son of Sri Ram Bahadur.
2. Umesh Chand Sharma son o Shri Jagmohan Sharma.
3. Krishna Gopal son of Sri Sukhbir Singh
4. Ala-Uddin son of Shri Johan Ali
5. Brij Lal Kushwaha son o Shri Ram Prasad.
6. Lal Pratap Singh son of Shri Harmendra Singh.
7. Narendra Singh son of Roshan Lal.
8. Krishna Chand Singh sonof Shri Yashwant Singh
9. Ram Shanker sonof Shri Jhandu Lal.

All residents of Concrete Sleeper Plant,  
Northern Railway, SubedarGanj, Allahabad.

.. APPLICANTS.

VERSUS:

1. Union of India, through General Manager, Northern Railway, Head Quarter At Baroda House, New Delhi.
2. Chief Engineer (TSP) Northern Railway, Head-Quarter Baroda House, New Delhi.
3. Deputy Chief Engineer, Concrete Sleeper Plant, SubedarGanj, Northern Railway, SubedarGanj, Allahabad.
4. Senior Engineer, Concrete Sleeper Plant, Northern Railway, SubedarGanj, Allahabad.

.. Respondents.

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ORDER

By Hon'ble Mr. S.Das Gupta A.M.

As the facts and circumstances in both the aforesaid O.A.s. are similar, these were heard together and are being disposed of by a common order.

2. All the applicants in both the cases contended that they were initially recruited specifically for the Concrete Sleeper Plant, Subedargunj, Allahabad, which is an independent Unit of the Rlys, on various dates during the year 1982-83 from the open market on the basis of advertisement issued by the said Plant. They have also stated that <sup>they</sup> had filed an O.A. before this Tribunal for their elevation to the skilled category and the said O.A. was decided in their favour. This, however, is besides the controversy in the present case.

3. Controversy in the present case relates to an order by which the applicants are sought to be transferred from outside the Sleeper Plant. It appears that the railway authorities have taken a decision to close down certain lines of production in the concrete Sleeper Plant at Subedargunj and at Khalispur. As a result certain numbers of staff in both of the Plants have become surplus to the requirement. In order to re-deploy the surplus persons, Northern Railway Headquarters have issued an order dated 29.8.1995 (Copy at annexure no.15 to O.A.14/96). The claim of the ~~applicants~~ <sup>respondents</sup> is that in accordance with the aforesaid guidelines, they are <sup>not</sup> required to be posted out of C.S.P. Subedargunj.

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4. The respondents have filed Counter affidavit. Rejoinder Affidavit has also been filed by the applicants.

5. We heard the learned counsel for both the parties and carefully perused the records.

6. All the parties were agreed that so long as the guidelines contained in the aforesaid order dated 29.8.1955 are adhered to while posting persons <sup>surplus-</sup> to the requirements of C.S.P. no one will have any grievance. In view of this we dispose of both the O.A.s with the following guidelines:-

The respondents shall strictly adhere to the guidelines contained in the Northern Railwa Hqrs' Order dated 29.8.1955 while deciding redeployment of surplus personnels outside C.S.P. at Subedarganj. Those employees who were not recruited initially in the C.S.P., but were subsequently transferred to that Unit and in course of time their liens in their parent departments have been extinguished will also be considered for retention in the C.S.P. at par with those employees, who were initially recruited for the C.S.P. itself. Incase, total number of such persons i.e those who were recruited for C.S.P. and those whose lien in the parent department have been extinguished on permanent absorption in the C.S.P. exceeds the reduced strength, their station seniority will determine the right to be retained in the Concrete Sleeper Plant. In other words, those ~~who~~ who - rank junior in the station seniority will be --

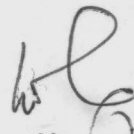
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liable to be transferred out of C. S. P. to the extent required. In case, certain applicants have been transferred out of Concrete Sleeper Plant in violation of the aforesaid principle, such persons shall be brought back to the C. S. P. unless they are willing to continue at the station in which they have been posted.

7. Both the O.As are disposed of accordingly In view of the circumstances of the case, we pass no order regarding costs.

  
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