

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 26th day of April 1999.

Original Application no. 1416 of 1998.

Hon'ble Mr. S. Dayal, Administrative Member  
Hon'ble Mr. S.L. Jain, Judicial Member

1. Jalil Ahmad, S/o Ahmad Raza.
2. Liyakat, S/o Shahabuddin.
3. Raghubanshi Prasad, S/o Sri Bhagwan
4. Md. Mustkin, S/o Nijamuddin.

All employed as Bhisty u/IOW (Section Engineer)  
(W) N. Rly. Moghalsarai, Distt. Varanasi.

... Applicants

C/A Shri S.K. Dey, Sri S.K. Mishra

Versus

1. Union of India through The G.M. N. Rly., Baroad House New Delhi.
2. Divisional Engineer (3) N. Rly., Lucknow.
3. Assistant Engineer N. Rly., Lucknow.

... Respondents.

C/R Shri A. Sthelekar Shri A. Tripathi.

ORDER

Hon'ble Mr. S. Dayal, Member-A.

This O.A. has been filed by the applicants which are Bhisties, working under I.O.W. (W) Section Engineer, N. Rly., Moghalsarai. There grievance is that they were declared surplus and had been posted in the category of Safaiwala without their consent while 9 posts

of couriers, 10 posts of Chainman & 6 posts of Trolleyman were also declared, surplus but their options were asked for the post of porter in transportation department, Khalasies in electrical and as Loco cleaners in Carriage and Wagon department. Their grievance is that their claim for being posted on jobs other than safaiwala, have not been considered by the respondents and thus they have been discriminated.

2. One of the grounds is that their category has been changed without any show cause notice given to them. There is annexure A 4 on record which is the representation made by all the four applicants to Divisional Railway Manager, Lucknow, mentioning that their options were given and they had opted for the posts in Transportation department Electrical department, Signal and telecommunication and Carriage and Wagon departments. But they have been posted as Safaiwala without their consent. Thus it appears that the respondents had considered options of the applicants also and this ground does not survive.

3. As regards their posting as Safaiwala without their consent, applicants have been declared surplus as per their own averments and are presently working as supernumerary employees. Alternative job have been offered to them and the applicants are performing work which is closely related to the work of Safaiwala and are to be posted in the same department in which they have been working earlier which was engineering department. Hence, we do not find any lacuna in the offer of Safaiwala to them.

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4. In view of our finding as above we do not find any merit in the O.A. The O.A. dismissed.

5. There shall be no order as to costs.

*pc* —

Member-J

*pc* —

Member-A

/pc/