

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Original Application No. 783 of 2001.

this the 9th day of July 2001.

HON'BLE MR. S. DAYAL, MEMBER (A)
HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

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1. Imtiaj Ahmad, S/o Mohd. Zahir.
 2. B. Singh, S/o Sri Sukhdeo.
 3. Ramjan, S/o Sattar Khan.
 4. Kanhaiya Lal, S/o Jaisree.
 5. Mohd. Tahir, S/o Abdul Rahman.
 6. Nand Lal, S/o Chhangur.
 7. Mohan Ram, S/o Babu Nandan.
 8. Laxmi Narayan Prasad, S/o Kuber.
 9. Brijesh Chandra, S/o Raghubar Ram.
 10. Chhote Ram, S/o R.N. Ram.
 11. Munni Lal, S/o Kashi Ram.
 12. Ram Murat Kahar, S/o Jaikaran.
 13. B.N. Prasad, S/o Mewa Lal.
 14. Durbal Ram, S/o Siew Saran Ram.
 15. R.P. Seth, S/o S.S. Prasad Sharma.
- all employed as Diesel Shunter/USSE(Loco),
E.Rly., Mughalsarai, Loco Shed, District Chandauli


Applicants.

By Advocate : Sri S.K. Dey.

Versus.

1. Union of India through the General Manager,
E. Rly, Calcuttal.
2. The Chief Mechanical Engineer (CC), E. Rly.
Calcutta.
3. The Senior Section Engineer (Loco), E. Rly.,
Mughalsarai, Loco Shed, District Chandauli.

respondents.

 By Advocate : Sri K.P. Singh.

O R D E R (ORAL)

S. DAYAL, MEMBER (A)

This application has been filed for setting-aside 10.6.2001 issued on the basis of orders dated 6.11.98, 27.4.2001, and 17.5.2001. A further direction ^L is sought to the respondents ~~that~~ for booking Diesel Asstt. with Shunter in shunting Loco motive in yards.

2. The impugned order has been issued by Section Engineer (Loco), E. Rly; Mughalsarai Loco Shed, District Chandauli, giving reference of the aforesaid letters dated 6.11.98, 27/30.4.2001, 5.5.2001 and 17.5.2001, and on the basis of oral orders of Divisional Mechanical Engineer, Mughalsarai.

3. We have heard the arguments of Sri S.K. Dey for the applicants and Sri K.P. Singh for the respondents.

4. The learned counsel for the applicants has drawn attention to the order dated 3.3.2000 in O.A. no. 890 of 1999 by which the respondent no.3 in that O.A. was directed to consider and decide the representation of the applicants made in Annexure no.2 within 30 days. The said direction was given on the basis of the representation filed as Annexure no.2 in which the order challenged was 2.6.99. presently, the orders challenged are not the same as the orders challenged in the aforesaid O.A.

5. Sri K.P. Singh learned counsel appearing for the respondents states that it is a policy decision of the respondents to take work from Shunter and not to give any work to Asstt. Driver in performing the same duties.

6. We are of the view that the respondents are

perfectly right, to decide ^{whether} only the Shunter is to be
used ^{within their} ~~instead~~ ^{without assistance} of Asstt. Driver. We, therefore, feel
that no interference is called-for in the impugned
order. The O.A. stands dismissed in limine. No costs.

Rajwade
MEMBER (J)

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MEMBER, (A)

GIRISH/-