

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 14th day of October, 2004.

QUORUM : HON. MRS. MEERA CHHIBBER, J.M.
HON. MRS. ROLI SRIVASTAVA, A.M.

O.A. No. 1239 of 2004

1. N.S.S. Yadav, S/O B.R. Yadav.
2. C.M. Lal, S/O Suraj Prasad.
3. C.M. Tiwari, S/O
4. D.K. Sharma, s/o R.B. Sharma.
5. S.N. Ram, s/o S. Prasad.
6. M. Tiwari, s/o G.S. Tiwari.
7. A.K. Gupta, s/o Jawaharlal.
8. R.N.R. Rangila, s/o Late Basudev.
9. Sudhir Ranjan Rai, s/o B.N. Rai.
10. Mithilesh Kumar, s/o Late S.N. Kumar.
11. R.S. Pathak, s/o R.L. Pathak.
12. J.N. Dubey, s/o V.N. Dubey.
13. P.N. Tripathi, s/o R.K. Tripathi.
14. R.N. Singh-II, s/o B. Singh.
15. A.K. Rai, s/o K.N. Rai.
16. P.N. Rai, s/o R.P. Rai.
17. K.P. Srivastava S/O D.N. Prasad.

posted under Station Manager, as Senior Goods Guard,
E.C. Railway, Mughal Sarai, District Chandauli.

.....

.....Applicants.

Counsel for applicants : S/Sri S.K. Dey & S.K. Mishra.

Versus

1. Union of India through the General Manager, E.C. Railway,
Hazipur.
2. The Divisional Railway Manager, E.C. Railway, Mughalsarai
3. The Senior Divisional Personnel Officer, E.C. Railway,
Mughal Sarai.....

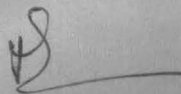
.....Respondents.

Counsel for respondents : Sri K.P. Singh.

ORDER

BY HON. MRS. MEERA CHHIBBER, J.M.

This O.A. has been filed by as many as 17 persons




who all state that they are Senior Goods Guard in E.C. Railway, Mughal Sarain. Their grievance is that they have been working as Senior Goods Guard in the pay scale of Rs. 5000-8000 and have even been permitted to work as Passenger Guards in the same scale of pay but yet vide letter dated 26.8.2004 respondents are holding written test for the post of Passenger Guard treating the post of Passenger Guard as selection post even though there ^{is} ~~are~~ no advancement of pay and responsibility. They have relied on the judgment given by this Tribunal in O.A. No.829 of 2001 decided on 1.1.2003 in the case of Gulam Mustafa & others Vs. Union of India & others and another judgment which has been referred to in the representation already given to Senior Divisional Personnel Officer, E.C. Railway, Mughal Sarai on 15.9.2004 but till date the said representation has not been decided by the respondents and they are proceeding to hold the written test. They have thus, prayed that the order dated 26.8.2004 and 30.9.2004 may be quashed and set aside and a direction be issued to the respondents to induct the applicants to the post of Passenger Guard on the basis of their performance and viva-voce held earlier.

2. Counsel for the respondents was seeking time to file reply to the O.A. but we do not think it necessary to call for counter at this stage because the detailed representation given by the applicants is still pending and no reply has been given thereon.

3. It goes without saying that whenever a representation is given by the employees to the higher authorities, ^{that is} ~~the~~ least ^{is} ~~expected~~ of them is to pass a reasoned order thereon so that it may satisfy the employees and they may not be dragged ~~into~~ the court unnecessarily. In this case the respondents have not even bothered to dispose of the representation given by the applicants to the Senior D.P.O., Mughal Sarai. Counsel for the applicants strongly argued that since they are already in the scale of Rs.5000-8000

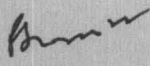
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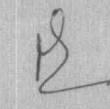


they cannot be made to appear in the post of Goods Guards which is already in the scale of Rs.5000-8000. Perusal of the representation shows that though the applicants have referred to the judgment given by this Tribunal but copy of the judgment has not been annexed with the representation. Therefore, the applicants are given liberty to file copy of the judgment relied upon by them to the Senior D.P.O., E.C. Railway, Mughal Sarai within one week from today so that the Senior D.P.O., E.C. Railway, Mughal Sarai may deal with the points raised by the applicants in their representation and dispose ^{of} the same within four weeks thereafter by passing a reasoned and detailed order under intimation to the applicants.

4. Till such time, the representation is decided by the Senior D.P.O., the respondents shall not hold the examination for the post of Passenger Guards.

5. With the above direction, this O.A. is disposed of at the admission stage itself with no order as to costs.


A.M.


J.M.

Asthana/