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LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH,
CALCUTTA

O. A. No. 350/0 11/32 of 2020

IN THE MATTER OF:

1. SHRI BIPIN BIHARI SINGH, son of Shri Rameshwar Kumar Singh, aged about 30 years, residing at Village- Sonpura Tola Tiluliya, Post Office- Baliyari, Police Station- Tarhasi, District- Palamu, Jharkhand, Pin-822122 and presently working to the post of Technician Grade-III (Welder) under Senior Section Engineer (C&W), Sick Line, BKSC, under Divisional Railway Manager, Adra Division, South Eastern Railway, District- Purulia, Pin-423121.
2. SHRI REETESH KUMAR MISHRA, son of Shri Binod Mishra, aged about 25 years, residing at Village and Post Office- Darauli Matiya, Police Station-

Darauli, District- Siwan, Bihar,
Pin-841235 and presently working
to the post of Technician Grade-III
(Welder) under Senior Section
Engineer (C&W), Sick Line, BKSC,
under Divisional Railway Manager,
Adra Division, South Eastern
Railway, District- Purulia, Pin-
423121.

3. SHRI CHANDAN KUMAR, son of
Shri Debu Sah, aged about 28
years, residing at Azad Nagar
Ganj, Post Office- Simri
Bakhtiyarpur, Police Station-
Bakhtiyarpur, , District- Saharsa,
Bihar, Pin-852127 and presently
working to the post of Technician
Grade-III (Welder) under Senior
Section Engineer (C&W), Sick Line,
BKSC, under Divisional Railway
Manager, Adra Division, South
Eastern Railway, District- Purulia,
Pin-423121.

4. **SHRI ASHISH RANJAN**, son of Shri Prabhat Kumar, aged about 24 years, residing at Village- T.B. Hospital Nurses Hostel, Post Office-Koelwar, District- Bhojpur, Bihar, Pin-802160 and presently working to the post of Technician Grade-III (Welder) under Senior Section Engineer (C&W), Sick Line, BKSC, under Divisional Railway Manager, Adra Division, South Eastern Railway, District- Purulia, Pin-423121.

5. **SHRI CHIRANJIT DAS**, son of Shri Bablu Das, aged about 25 years, residing at Village- and Post Office- Kandoa, Police Station- Nakashipara, District- Nadia, West Bengal, Pin-741138 and presently working to the post of Technician Grade-III (Welder) under Senior Section Engineer (C&W), Sick Line, BKSC, under Divisional Railway Manager, Adra Division, South

Eastern Railway, District- Purulia,
Pin-423121.

6. **SHRI ASHOK KUMAR**, son of Shri Dashrath Prasad, aged about 25 years, residing at Village- and Post Office- Baligaon, Police Station- Rafiganj, District- Aurangabad, Bihar, and presently working to the post of Technician Grade-III (Welder) under Senior Section Engineer (C&W), Sick Line, BKSC, under Divisional Railway Manager, Adra Division, South Eastern Railway, District- Purulia, Pin-423121.

7. **SHRI AJAY SHEKHAR SINGH**, son of Shri Shashi Shekhar Singh, aged about 25 years, residing at Tarbanglow, Ward No. 38, Post Office- Dehri On Sone, Police Station- Dehri On Sone, Bihar Pin-821307 and presently working to the post of Technician Grade-

(Welder) under Senior Section Engineer (C&W), Sick Line, BKSC, under Divisional Railway Manager, Adra Division, South Eastern Railway, District- Purulia, Pin-423121.

8. **SHRI BRIJESH KUMAR**, son of Shri Ram Pravesh Prasad, aged about 27 years, residing at Village- Simri, Post Office- Simri, Police Station- Simri, District- Buxar, Bihar, Pin-802135 and presently working to the post of Technician Grade-III (Welder) under Senior Section Engineer (C&W), Sick Line, BKSC, under Divisional Railway Manager, Adra Division, South Eastern Railway, District- Purulia, Pin-423121.

9. **MD. SHAHID HUSAIN**, son of Shri Md. Manir, aged about 28 years, residing at Village- Phulsarai, Po Office- Hesla, Police Station- Gid

'A', District- Ramgarh, and presently working to the post of Technician Grade-III (Welder) under Senior Section Engineer (C&W), Sick Line, BKSC, under Divisional Railway Manager, Adra Division, South Eastern Railway, District- Purulia, Pin-423121.

10. **SHRI PRASENJEET PASWAN**, son of Shri Krishnadeo Paswan, aged about 28 years, residing at Village- Birpur, Post Office- Belaw, Police Station- Barbigha, District- Sheikhpura, Bihar, Pin-811101 and presently working to the post of Technician Grade-III (Welder) under Senior Section Engineer (C&W), Sick Line, BKSC, under Divisional Railway Manager, Adra Division, South Eastern Railway, District- Purulia, Pin-423121.

11. **SHRI ARBIND KUMAR DUSADH**, son of Shri Jai Nath Dusadh, aged

about 26 years, residing at Durgauli, Post Office- Bansohi, Police Station- Masharak, District- Saran, Bihar, and presently working to the post of Technician Grade-III (Welder) under Senior Section Engineer (C&W), Sick Line, BKSC, under Divisional Railway Manager, Adra Division, South Eastern Railway, District- Purulia, Pin-423121.

12. **MD. NADIM HASAN**, son of Md. Naseem, aged about 25 years, residing at Village- Sara Mohammed, Post Office- Saramohanpur, Police Station- Sadar, District- Darbhanga, Bihar, Pin-846007 and presently working to the post of Technician Grade-III (Welder) under Senior Section Engineer (C&W), Sick Line, BKSC, under Divisional Railway Manager, Adra Division, South Eastern Railway, District- Purulia, Pin-423121.

13. **SHRI CHANDAN KUMAR NUNIA,**

son of Shri Lakhan Nunia, aged about 26 years, residing at Village- Manberia Shiv Mandir, Post Office- Barakar, Police Station- Kulti, District- Burdwan, West Bengal, and presently working to the post of Technician Grade-III (Welder) under Senior Section Engineer (C&W), Sick Line, BKSC, under Divisional Railway Manager, Adra Division, South Eastern Railway, District- Purulia, Pin-423121.

14. **SHRI DILEEP KUMAR,** son of Shri

Malikchand Sahni, aged about 25 years, residing at Village- Kalwan, Post Office- Daridura, Police Station- Amas, District- Gaya, Bihar, Pin-824211 and presently working to the post of Technician Grade-III (Welder) under Senior Section Engineer (C&W), Sick Line, BKSC, under Divisional Railway

Manager, Adra Division, South
Eastern Railway, District- Purulia,
Pin-423121.

15. **SHRI DEEPAK KUMAR**, son of
Shri Anil Kumar Chandrabansi,
aged about 24 years, residing at
Village- and Post Office- Rampur
Chay, District- Arwal, PS. Karpi,
Bihar Pin-804428 and presently
working to the post of Technician
Grade-III (Welder) under Senior
Section Engineer (C&W), Sick Line,
BKSC, under Divisional Railway
Manager, Adra Division, South
Eastern Railway, District- Purulia,
Pin-423121.

16. **SHRI SANTOSH KUMAR**, son of
Shri Bideshi Das, aged about 27
years, residing at Village- Tapovan,
Post Office- Darha, Police Station-
Barhat, District- Jamui, Bihar,
Pin-811313 and presently working
to the post of Technician Grade-III

(Welder) under Senior Section Engineer (C&W), Sick Line, BKSC, under Divisional Railway Manager, Adra Division, South Eastern Railway, District- Purulia, Pin-423121.

17. **SHRI ASHISH ANAND**, son of Shri Ramotar Pandit, aged about 24 years, residing at Village- and Post Office- Babhangama, Police Station- Triveniganj, District- Supaul, Bihar, Pin-852139 and presently working to the post of Technician Grade-III (Welder) under Senior Section Engineer (C&W), Sick Line, BKSC, under Divisional Railway Manager, Adra Division, South Eastern Railway, District- Purulia, Pin-423121.

18. **SHRI DURGESH MAHATO**, son of Shri Maheshwar Mahato, aged about 28 years, residing at Village- Nawadih, Post Office- MadhupuSr,

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P.S. Seraikella, Distrit- Seraikella, Jharkhand, and presently working to the post of Technician Grade-III (Welder) under Senior Section Engineer (C&W), Sick Line, BKSC, under Divisional Railway Manager, Adra Division, South Eastern Railway, District- Purulia, Pin-423121.

19. **SHRI BADAL KUMAR PAL**, son of Shri Subhash Kumar Pal, aged about 27 years, residing at Village- Lakarjoria, Post Office- Nachangariya, P.S. Jama, District- Dumka, Jharkhand, Pin-814101 and presently working to the post of Technician Grade-III (Welder) under Senior Section Engineer (C&W), Sick Line, BKSC, under Divisional Railway Manager, Adra Division, South Eastern Railway, District- Purulia, Pin-423121.

20. **SHRI RAJU KUMAR SARDAR**, son of Shri Manik Chand Sardar, aged about 24 years, residing at Village- and Post Office- Sourgaon, District- Araria, P.S. Kursakanta, Bihar, and presently working to the post of Technician Grade-III (Welder) under Senior Section Engineer (C&W), Sick Line, BKSC, under Divisional Railway Manager, Adra Division, South Eastern Railway, District- Purulia, Pin- 423121.

21. **SHRI SAGAR KUMAR DAS**, son of Shri Binay Kumar Das, aged about 26 years, residing at Naya Basti Road No. 3, Bagbera, Post Office and Police Station- Bagbera, District- East Singhbhum, Jamshedpur, Jharkhand, Pin- 831002, and presently working to the post of Technician Grade-III (Welder) under Senior Section Engineer (C&W), Sick Line, BKSC, under Divisional Railway Manager,

Adra Division, South Eastern
Railway, District- Purulia, Pin-
423121.

22. SHRI AMIT RAJ , son of Shri
Jitendra Prasad, aged about 24
years, residing at Village- Bundela
Bigha, Post Office- Rauna, Police
Station- Belaganj, District- Gaya,
Bihar, and presently working to
the post of Technician Grade-III
(Welder) under Senior Section
Engineer (C&W), Sick Line, BKSC,
under Divisional Railway Manager,
Adra Division, South Eastern
Railway, District- Purulia, Pin-
423121.

...APPLICANTS

-VERSUS-

1. UNION OF INDIA service through the
General Manager, South Eastern
Railway, 11, Garden Reach Road,
Kolkata- 700043;

2. **THE PRINCIPAL CHIEF PERSONNEL OFFICER,** South Eastern Railway, 11, Garden Reach Road, Kolkata- 700043.
3. **THE DIVISIONAL RAILWAY MANAGER,** South Eastern Railway, Adra Division, District- Purulia, Pin- 423121.
4. **THE SENIOR DIVISIONAL PERSONNEL OFFICER,** South Eastern Railway, Adra Division, District- Purulia, Pin-423121.
5. **THE SENIOR SECTION ENGINEER (C&W),** Sick Line, Bokaro Steel City (BKSC), ROH Depot, Bokaro Steel City, South Eastern Railway, Pin- 827001. Jharkhand.
6. **THE RAILWAY RECRUITMENT BOARD,** service through the Chairman, Ranchi, Government of India, Ministry of Railways, Railway

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Office Complex, Ranchi-834027,
Jharkhand.

...Respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

OA. 350/1132/2020
MA. 350/614/2020

Date of order: 23.11.2020

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member

**Shri Bipin Bihari Singh & 21 Ors.
Vs.**

Union of India & Ors.(S. E. Rly.)

For the Applicant : Mr. P.C. Das, Counsel
Ms. T. Maity, Counsel

For the Respondents : Ms. S. Chowdhury, Standing Counsel



O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:

The 22 applicants have preferred this OA to seek the following reliefs:

"8.a) Leave may be granted to the applicants to file this application jointly under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 as the applicants have a common grievance;

b) to pass an appropriate order directing upon the respondents to modify and/or rectify the posting orders in respect of all the applicants dated 21.02.2020 and 26.02.2020 to the post of Trainee Technician-III (Welder) which should be Trainee Technician-III (Fitter) and after modification such posting/appointment orders of the applicants should be given posting in their respective place of posting to the post of Trainee Technician-III (Fitter) instead of Trainee Technician-III (Welder) and after rectification and modification such appointment orders of the applicants should be given immediately posting to the post of Trainee Technician-III (Fitter) and they should be allowed to continue in such posts in terms of the notification issued by the Railway Recruitment Board, Ranchi dated 20th September, 2018 for appointment to the post of Technician against 36,576 vacancies in the South Eastern Railway.

c) To declare that all the applicants who have participated in the selection process in terms of the notification issued by the Railway Recruitment Board, Ranchi dated 20th September, 2018 being Annexure A-1 of this Original application as per the post applied by all the applicant as per their qualification of ITI in the Trade of Fitter, they are entitled for posting to the post of Technician-III (Fitter) as per their qualification of ITI in the Trade of Fitter and to affix their inter se seniority accordingly."

2. MA. 350/614/2020 filed by the applicants for joint prosecution, is allowed on payment of individual court fees/D.D. order as commonality of grievance is noted.

3. Heard ld. Counsel for both the parties and perused documents on record.

4. At the outset, ld. Counsel for applicants submitted that he would be satisfied if a direction is given to the respondents authority to dispose of the representation dated 29.06.2020 (Annexure A-7) preferred by the applicants jointly, in a time bound manner.

5. Accordingly, the OA is taken up for hearing before the Single Bench with the consent of the parties.

6. It transpires from the pleadings that the applicants preferred an application in response to the Recruitment Notice issued by RRB dated 22.09.2018 of Technicians, against total vacancies of 36576 as at Srl. No. 2, as contained in Annexure A-1 collectively. All the applicants belong to the exam trade "Fitter" and claim to possess NCVT certificate to that effect.

7. The applicants claim that they had applied for the post of Fitter but they have been assigned the duty of Technician Grade III Welder, which is of a different discipline altogether. Aggrieved they have preferred prayer for change of designation from Technician Gr. III Welder to Technician Gr. III Fitter which failed to yield any result. Hence, the present OA.



8. It is discernable from the records that the notification in question issued by RRB being CEN-01/2018 (ALP & Technicians) mentioned about posts of Technicians. Page 46 at Srl. No. 25 mentions the post as Technician Gr. III Carriage and Wagon and the minimum educational qualification for the post as well as numbers of vacancies and medical standard is depicted as under:

Cat No.	Designation	Department	Sub Department	Medical Standard	Suitability for persons with disability			Minimum Educational Qualification
					Hearing impairment (HI)	Visual impairment (VI)	Locomotor Disability (LD)	
25.	TECHNICIAN GRADE III CARRIAGE AND WAGON	MECHANICAL	CARRIAGE AND WAGON	B1	NO	D, HH	OL, LC, DW, AAV	Matriculation/SSLC plus ITI from recognized institutions of NCVT/SCVT is the trade of Fitter/Carpenter/Welder/Plumber/Pipe Fitter (OR) Matriculation/SSLC plus Course Completed Act Apprenticeship in the trade mentioned above.

9. Ld. Counsel for applicants would draw my attention to E-call letter for 2nd stage Computer Based Test which mentions the exam trade as "Fitter".

Ld. Counsel would strenuously urge that the applicants were selected for the post of "Fitter" as evident therefrom. He would also refer to the Office Order dated 26.02.2020 where the designation of one Chandan Kumar has been shown as Tr. Tech. III (Welder) and his educational qualification is Matric, ITI (Fitter).

10. Ld. Counsel for applicant would further submit that even though the applicants possess the Certificate and qualification of Fitter Trade, they are posted as Welder, which is bad.

11. The detailed representation dated 29.06.2020 as contained in Annexure A-7 to the OA seeking change of job category from Welder to Tech-III in C&W Wing at Adra specifies that the applicants had applied for the post of Technician Gr. III Fitter but they were tested in Two parts out of which 2nd part was based on their trades of Fitter. Therefore, they were not tested for the post of Welder. The final panel was drawn mentioning that the post of Technician Gr. III, Carriage and Wagon but they were surprised as they were posted as Trainee Technician (Welder).



12. Ld. Counsel for respondents submits that she would file a detailed reply in the matter.

13. It is not evident whether the respondents had placed indent for the post of Technician III (Fitter). In my considered opinion, since the applicants have preferred a representation jointly as referred to supra, and the same is yet to be disposed of by the Competent Authority and no adverse order is under challenge, no fruitful purpose would be served by calling for a reply in the matter.

14. Therefore, the present OA is disposed of with a direction upon the Principal Chief Personnel Officer, South Eastern Railway, Garden Reach or any other Competent Authority to give a personal hearing to the applicants, to consider their grievance, in accordance with law, and to issue an appropriate order within a period of 3 months from the date of receipt of a copy of this order.

15. In the event the respondents find that the applicants have a genuine grievance and a rightful claim to the post of Technician III (Fitter), an appropriate order shall be issued within the said period.

16. Accordingly the present OA stands disposed of. No costs.

(Bidisha Banerjee)
Member (J)

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