

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 08th day of November, 2000

Original Application No. 1104 of 1992

CURAM :-

Hon'ble Mr. Rafiuddin, J.M.

Hon'ble Mr. S. Biswas, A.M.

1. Dev Dutt S/o Sri Munshi Lal
R/o Swaroop Nagar,
Linepar, Tundla, Distt-Firozabad,
at present posted as Chaukidar in
N. Railway.
2. Sonveer S/o Sri Karan Singh,
R/o Village Makanpur,
Post-Jaleshar Road,
District-Mathura at present
posted as Chowkidar, N. Rly.
3. Rangpal S/o Sri Tilak Singh,
R/o Village Nagla Mewa,
Post-Kadeshar, Distt-Firozabad,
at present posted as Chowkidar in
N. Rly.
4. Sunehri Lal S/o Sri Charan Singh
R/o Village Manikpur,
Post Jaleshar Road,
District Mathura, at present posted
as Chowkidar in N. Rly.
5. Satish Chandra S/o Sri Akali R/o
Village Kaccha Tundla,
Mohalla Matawali Gali,
Post Tundla, Distt-Firozabad at present
posted as Chowkidar in N. Rly.
6. Ajay Pal Singh S/o Sri Rustom Singh,
R/o Village Chandanpur Post-Bhandana,
Distt-Firozabad at present posted as
Chairman in N. Rly.
7. Achchey Lal S/o Sri Dharmraj
R/o Village Angiliya, Post Sukhipur,
District Azamgarh, at present
posted as Chairman in N. Rly.
8. Saheb Singh S/o Sri Duran Singh
R/o Village and Post Jamupur,
District Etah, at present
posted as Chowkidar in N. Rly.
9. Pooran Singh S/o Sri Kalyan Singh,
R/o Village Sultanpur, Post-Khurja Junction,
District Bulandshahar, at present posted
as Chowkidar in N. Rly.

Rm

10. Sri Pal S/o Late Sri Ram Prakash,
R/o Village and Post Samastipur
District Bulandshahr, at present
posted as Chainman in N. Rly.

All the applicants are posted under the
Assistant Engineer, Aligarh and permanent
Way Inspector, Khurja, Northern Railway.

(Sri Satish Dwivedi, Advocate)

Applicants

Versus

1. Union of India through the General Manager,
Northern Railways, Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railways, Allahabad.
3. The Assistant Engineer(Lines),
Northern Railways, Tundla.
4. The Permanent Way Inspector,
Northern Railway, Khurja.

(Sri AK Shukla, Advocate)

Respondents

A N D

Original Application No. 1467 of 1992

1. Prem Shanker S/o Ram Singh
Resident of Village Chirkunia
District Aligarh, at present posted
on the post of Chowkidar under A.E.N.
Aligarh and P.W.I. Khurja, N.R.
2. Mata Prasad S/o Sri Banwari Lal
R/o Village Balaiyapur Post-Adiyapur,
Distt-Etawah at present posted on the
Post of Chainman under the A.E.N. H.P. Aligarh,
P.W.I. Khurja, N.R.
3. Raj Kumar S/o Sri Udaibeer S/o Village
Madanpur Post Khurja Junction, District
Bulandshahr at present posted on the post
of Chainman under the A.E.N. ,N.R. Aligarh,
P.W.I. Khurja, N.R.

(Sri Satish Dwivedi, Advocate)

Applicants

Versus

Rm

1. Union of India
Through the General Manager,
Northern Railway, Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railways, Allahabad.
3. The Assistant Engineer (Lines),
Northern Railways, Tundla.

(Sri AK Shukla, Sri AK Gaur, Advocates)

..... Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. Rafiquddin, J.M.

By means of this OA the applicants seek a direction to be issued to the respondents not to interfere in performance of duties of the applicant as Chowkidars/Chainmen.

2. Briefly stated the case of the applicants is that the applicants are working on the post of Chowkidars/Chainmen under A.E.N. Lines, Tundla and PWI Special, Aligarh. According to the applicants, they were initially appointed as Class IV employees and after having been declared medically fit for B-I category they were posted as Chowkidars and have been continuously

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performing their duties as Chowkidars and are also getting salary and other allowances. However, the applicants were transferred vide order dated 14-7-1992 under A.E.N. Northern Railway, Aligarh and PWI, Northern Railway, Khurja alongwith other persons who worked as Gangman with malafide intention and for some other ulterior motives. The applicants have never worked as Gangmen and, therefore, they cannot be compelled under rules to perform duties as Gangmen. The respondents, however, contest to the claim of the applicants on the ground that since they were declared medically fit in B-I category in the post of Gangmen, they have been posted for the post of Gangmen in the scale of Rs.775-1025.

3. We have heard Sri S. Dwivedi, counsel for the applicant and perused the record.

4. Learned counsel for the applicant has pointed out that a representation dated 20-1-1993 (Annexure-RA-4) is still pending. Therefore, the OA may be disposed of by directing the respondents to consider their representation and pass a suitable order as per rules. Accordingly, we dispose of this application with the direction to the respondents to consider and pass a suitable order on the representation submitted by the applicant to the DRM(Respondent No.2). A copy of the representation shall be attached by the applicant alongwith the copy of this order. The representation shall be disposed of within three months from the date of receipt of the copy of this order alongwith the copy of the representation. There shall be no order as to costs.