

Open Court.

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: This the 21st day of January, 2000.

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

Original Application No. 1713 of 1992.

Suraj Prasad
s/o Sri Ram Dulare,
r/o village & P.O. Khaira,
Distt. Mirzapur.

... Petitioner.

(Through Sri S.K. Om, Adv. and
Sri P.K. Kashyap, Adv.)

Versus

1. Union of India,
through Deputy Chief Personnel Officer (Construction)
Northern Railway, Kashmere Gate,
Delhi-6.
2. Deputy Chief Engineer (Construction),
Northern Railway,
Allahabad.
3. Senior Civil Engineer (Construction)
Northern Railway,
Allahabad.
4. Chief Permanent Way Inspector, (Construction)-I
Northern Railway,
Allahabad.

... Respondents.

(Through Sri G.P. Agarwal, Adv.)

Order (Open Court)

(By Hon'ble Mr. S. Dayal, Member (A.))

This application has been filed by the
application for setting aside the order dated

10.9.92 and issuance of direction to the respondents not to interfere in the peaceful working of the applicant as Trolleyman in the grade of 775-1025.

2. It has been mentioned by the applicant in his application that he was initially appointed under Permanent Way Inspector (Construction), Northern Railway Allahabad as Trolleyman on 17.9.76 on casual basis. He was granted temporary status with effect from 1.1.82 after passing medical test in category A-3. The applicant claims to have appeared in the screening test for Trolleyman in the pay scale of Rs.775-1025 held on 29.1.90 and was declared medically fit in A-3 Category but was surprised to find his name in the list as Gang man instead of Trolleyman. He made a representation on 19.7.90 to the Senior Civil Engineer by letter dated 9.8.90 recommended to Dy. Chief Personnel Officer, Northern Railway that the applicant's designation was shown as Gangman instead of Trolleyman in the list sent for screening. The applicant claims that he was issued a service book in which his designation was mentioned as Trolleyman and the applicant believed that his designation had been corrected. He has mentioned that his identity card, family pass and medical card show that his designation was Trolleyman. He has sought the setting aside of letter dated 10.9.92 by which the applicant has been redesignated from Trolleyman to Gangman and posted under Chief Permanent Way Inspector, Northern Railway Allahabad.

3. The contention of the respondents is that the cadre and pay scale of Trolleyman and Gangman are the same. On our query the representative of

the department clarified through learned counsel for the respondents that Trolleyman is to be promoted as Head Trolleyman and Gangman is posted as Head Gangman and therefore, the contention that it is common cadre or common category can not be accepted. If the contention of learned counsel for the respondents was correct, there was no necessity for redesignation of post and a simple order of transfer would have sufficed. There was no need to mention that due to reduction of Trolleyman there was a need to redesignate the applicant as a Gangman which has been done in the impugned order.

4. The impugned order shows that the applicant was redesignated because of reduction of posts of Trolleyman. If reduction had occurred, the respondents had to follow a certain method in redesignating Trolleyman. The applicant has mentioned that persons junior to him are still retained as Trolleyman. He has also mentioned that several Trolleymen who were not fit for Trolleyman, even then they were retained on the post of Trolleyman.

5. It is clear from the pleadings that the redesignation of the applicant on account of some mistake and that the respondents had not considered seniority or fitness of persons in retaining as Trolleyman or redesignating as Gangman.

6. We, therefore, set aside the impugned order dated 10.9.92 in so far as it relates to the applicant and direct the respondents to consider the claim of the applicant for the post of Trolleyman and if the applicant is to be redesignated,

he may be given an opportunity of showing ~~cause~~
before any order of ~~resignation~~ is passed. This
shall be ^{complied} ~~done~~ within a period of three months
from the date of communication of this order. There
shall be no order as to costs.

Raf Nadeem
Member (J.)

Jan
Member (A.)

Nafees.