

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad ; Dated this 22nd day of February, 2002

Original Application No.776 of 1994.

CORAM :-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Hon'ble Maj Gen KK Srivastava, A.M.

1. V.V. Subramaniam S/o V.R.B. Shastri,
R/o Quarter No.11, DEF Loco Colony,
Northern Railway, Kanpur, at present posted
as Fireman(Mechanical).
2. M.A. Ansari S/o Late Abdul Samad,
R/o 11 D.P. Loco North Colony, Kanpur,
at present posted as Fitter-in-Charge at
Kanpur.

(Sri KC Sinha, Advocate)

. Applicants

Versus

1. Union of India through General Manager,
Northern Railway Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway,
Allahabad.
3. Senior D.W.E., Northern Railway, Allahabad.
4. Loco Foreman, Northern Railway, Kanpur.
5. Assistant Mechanical Engineer,
Northern Railway, Kanpur.

(Sri VK Goel, Advocate)

. Respondents

ORDER (D_r_a_l)

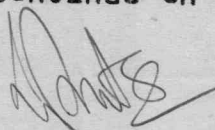
By Hon'ble Mr. Justice RRK Trivedi, V.C.

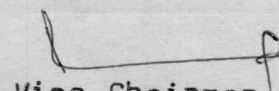
By this DA filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction for quashing the order dated 27-4-1991 and for a direction to the respondents to implement the circulars dated 7-3-1991 and 28-12-1992 (Annexures-II and III respectively). It has



also been prayed that the respondents may be directed to redeploy the applicant in maintenance side.

2. The facts of the case are that the applicants were serving as Foreman, Mechanical and on closure of the Loco Shed they were rendered surplus. The question arose for their redeployment. They were asked to work as Power Controller by the impugned order dated 27-4-1994 ^{by} (Annexure-4). Aggrieved ^{at} ⁱⁿ ^{at} ^{at} which they filed this OA on 10-5-1994. The OA was admitted and an interim order was passed on 16-5-1994 staying the operation of the order dated 27-4-1994. It is not disputed that during the pendency of this OA the applicants ^{at} ⁱⁿ ^{at} ^{at} have been working in maintenance side under the strength of the interim order. There is no dispute between the parties on the facts. The only defence stated in the counter reply is that as the applicants belong to supervisory category and were experienced hands they were asked to work as Power Controller and they will be soon shifted to maintenance side as and when suitable hands become available to work on the post of Power Controller. In para 24 of the counter reply it has also been stated that respondents are trying very hard to fix suitable hands. In the circumstances, as almost eight years have passed ^{at} ⁱⁿ ^{at} ^{at} by now, respondents must have arranged suitable hands to work as Power Controller. When the applicants are entitled to continue on the maintenance side as provided in the interim order, the application is accordingly decided with the direction to the respondents to allow the applicant to continue on maintenance side. No costs.


Member (A)


Vice Chairman

Dube/