

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1573 OF 1999  
ALONG WITH  
ORIGINAL APPLICATION NUMBER 1576 OF 1999

ALLAHABAD, THIS THE 18th DAY OF MARCH, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)  
HON'BLE MR. S. C. CHAUBE, MEMBER (A)

1. Wasid Ali aged about 32 years,  
s/o Shri Ashique Ali, r/o Mohalla  
Kilajan Cantt, District-Shahjahanpur.
2. Shiv Shankar aged about 35 years,  
s/o Shri Ram Bharose, r/o Quarter  
No.6/28 A, Railway Colony,  
District-Shahjahanpur.
3. Ved Pal, aged about 33 years,  
s/o Shri Bhabooti, R/o Gopalpur,  
Shahjahanpur.
4. Azmat Ullah, aged about 51 years,  
s/o Late Shri Wazir, r/o Burujai I,  
Pakka Talab, Shahjahanpur.
5. Smt. Mehrun Nisha aged about 38 years,  
w/o Shri Taj Mohd. r/o Quarter No.28A,  
Dhaka Tal, Railway Colony,  
Shahjahanpur.
6. Babu Ram aged about 38 years,  
s/o Shri Khimma, r/o Makku Ki Bajariya,  
Shahjahanpur.
7. Shure aged about 38 years,  
s/o Shri Jadunath, r/o Sehramau  
(North), District-Hardoi.
8. Ram Saran, aged about 35 years,  
s/o Shri Kewal, r/o Village Baldevpurwa,  
Hardoi.
9. Nand Ram aged about 36 years,  
s/o Shri Tole Ram, r/o Village-Mau,  
District-Hardoi.
10. Radhe Shyam aged about 37 years,  
s/o Shri Ajuddi Prasad r/o Quarter No.L/88,  
Railway Colony, Shahjahanpur.
11. Lal Bahadur aged about 38 years,  
s/o Shri Bharat, r/o Peshawari,  
Shahjahanpur.



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12. Naseer aged about 38 years,  
s/o Shri Maiku, r/o Ramman Khan,  
Ki Kothi ke Pas, Shajahanpur.

.....Applicants  
in O.A.1573/99

(By Advocate : Shri Rakesh Verma)

**A L O N G - W I T H**  
(O.A. 1576/1999)

1. Ram Kumar aged about 45 years,  
s/o Shri Gajju
2. Bharat, aged about 45 years,  
s/o Shri Maik
3. Shri Pal, aged about 42 years,  
s/o Shri Keerath Ram
4. Munshi Lal aged about 48 years,  
s/o Shri Keerath Ram
5. Ram Bhajan aged about 45 years,  
s/o Shri Shiv Dayal
6. Prasadi, aged about 46 years,  
s/o Shri Khimma.
7. Radhe Shyam aged about 49 years  
s/o Shri Baboo Ram
8. Ram Dev aged about 45 years  
s/o Shri Baboo Ram
9. Raja Ram aged about 46 years  
s/o Shri Jhannu Lal
10. Vishram Singh aged about 47 years,  
Shri Ram Bharose.
11. Jai Ram aged about 44 years  
s/o Shri Chhote.
12. Saifullah aged about 46 years  
s/o Shri Hasan Ali.
13. Anil Kumar aged about 43 years  
s/o Shri Baij Nath.
14. Nazim Khan aged about 47 years,  
s/o Shri Bhasir K Ahmad.
15. Rajendra aged about 46 years  
s/o Shri Jian Das.
16. Vijai Singh aged about 46 years  
s/o Shri SriPal Singh.

All C/o Shri Shiv Shankar, Quarter No.6/28A,  
Railway Colony, Shahjahanpur.

.....Applicants in O.A.  
No.1576/99



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V E R S U S

- 1, Union of India through the General Manager,  
Northern Railway, Baroda House,  
New Delhi.
2. The Divisional Superintending Engineer,  
Northern Railway, Moradabad.

.....Respondents

(By Advocate : Shri Amit Sthaleker)

O R D E R

By Hon'ble Mrs. Meera Chhibber, J.M.

In O.A. No.1573/1999 and O.A. No.1576/1999 applicants have raised the same issue accordingly both the O.As are being disposed off by a common order.

2. Applicants have challenged the order dated 17.11.1999 wherein it is stated as under:-

"As per decision in MPP Meeting at GM's level on 19.08.1999 issued under GM/P/N.Rly. Letter No.807-E/MPP/Meeting/MPP/99-2000 dated 7/9/99 and MPP Meeting at DRM's level of 17/9/99. Staff as per list attached who have been rendered surplus & are being charged against super-numerary post at present are hereby redeployed and posted as per Annexure-1/I to 1/V attached.

The sparing of the staff and their reporting to new place of posting should be regularly advised to this office. The transfer will be treated as administrative ground and their seniority will be assigned as per extent rules on administrative ground for re-deployment of surplus staff. Concerned AEN's will issue necessary orders posting in Gangs where vacancy exist."

3. Applicants names are shown at serial No.99, 105, 106,



.....4/-

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110, 111, 116, 120, 121, 123, 129, 130 & 132 in O.A. No.1573/99 whereas applicants in O.A. No.1576/99 are at serial No.115, 103, 119, 109, 128, 113, 118, 112, 117, 124, 122, 107, 102, 126 and 125. By the impugned order all these applicants were declared surplus therefore, in accordance with rules they were re-deployed and posted as Gangman. Counsel for the applicant has raised only <sup>one</sup> contention that respondents have not followed the principle of last come first go while passing this order in as much as number of junior persons whose names are given in the petition were retained as Khalasi itself while applicants were transferred out and posted as Gangman. They have, thus, submitted that this order is liable to be quashed on this ground.

4. Respondents have explained in the counter affidavit that all the persons whose names have been mentioned in the O.A. and who are stated to be junior to the applicants have been retained as Khalasi as they were declared unfit for the medical classification in B-1 i.e. for Gangman, therefore, they had to be retained as Khalasi itself. It goes without saying that once the persons, <sup>are</sup> ~~which~~ declared surplus in a particular unit, the only option left to the respondents <sup>is</sup> to redeploy them elsewhere in their own interest. However, the said redeployment can be done only if the persons are medically fit for the post where they <sup>are being</sup> ~~have~~ re-deployed. In the instant case, it is seen that all the persons who have been retained as Khalasi are the ones who are declared unfit for the medical classification in B-I for Gangman. This is a valid justification, therefore, applicants cannot have any grievance if they are redeployed as Gangman to the respective unit where they had <sup>been</sup> ~~had~~ posted. Applicants have not bothered to file their rejoinder in this case even though the second counter




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was also filed as back as on 11.01.2002 therefore, they have  
not <sup>even B</sup> rebutted the averments made by the respondents.

5. In view of the above, we find no merit in the O.A.  
Both the O.As are accordingly dismissed with no order as to  
costs. Copy to be kept in both files.

  
Member (A)

  
Member (J)

shukla/-