

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1639 OF 1999
ALLAHABAD, THIS THE 13th DAY OF SEPTEMBER, 04

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

1. P.D. Massey w/o L.D. Massey Head Clerk
2. B.K. Mishra son of Late J.B. Mishra "
3. Smt. Bina Dutt w/o Late Keshar Dutt Dubey "
4. Indra Deo Tripathi s/o Shri P.N. Tripathi "
5. R.K. Nishad son of "
6. Smt. Arti Das wife of Sri B. Das. "
7. Smt. Hushna Begum wife of "
8. Ajay Kumar Pandey s/o Shri D.N. Pandey "
9. Shri Ram Shukla "
10. Smt. Anrupa Davi Malviya "
11. Ramesh Chandra Srivastava "
12. Ranjeet Kumar Tiwari s/o Shri R.S. Tiwari "
13. Smt. Firoza Irfan w/o Shri Afaq Ahmad "
14. Smt. Geeta Srivastava w/o A.K. Srivastava "
15. Smt. Neelam Katiyal w/o Shri Anurag Katiyal "
16. S.K. Khare son of K.P. Khare "
17. Mohd. Masin Khan s/o Shri W.H. Khan "
18. Smt. Shashi Bala Srivastava w/o Sri Rakesh Sinha, "
19. Hemant Kumar Rangani s/o Late Sri Shobn Raj "
20. A.H. Ansari. "
21. R.K. Kirti. "

All the applicants are working as Class-III employees
in the Northern Railway, Allahabad.

....Applicants

(By Advocate : Shri D.P. Singh)

V E R S U S

1. The Union of India through the Secretary,
Ministry of Railway, Rail Bhawan, New Delhi.

2. The General Manager,
Northern Railway, Baroda House,
New Delhi.
3. The Divisional Railway Manager (P)
Northern Railway, Allahabad.

.....Respondents

(By Advocate : Shri P. Mathur)

O R D E R

By Hon'ble Mrs. Meera Chhibber, Member (J)

By this Original Application, 21 applicants have sought the following relief(s):-

- (i) Issue a writ order or direction in the nature of certiorari to set-aside the impugned order dated 21.10.1999 passed by the respondent (Annexure No.I) to this compilation No.I.
- (ii) Issue a writ order or direction in the nature of mandamus to the respondents not to proceed further in compliance of the impugned order dated 21.10.1999 and not to hold the written test as per order dated 21.10.1999.
- (iii) issue any suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case."

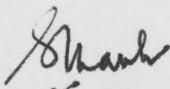
2. Today when the matter was called out counsel for the applicant submitted that he has not received any instructions from the applicants inspite of repeated letters written to them. Therefore, he is not pressing this case.

3. Counsel for the respondents on the other hand submitted that even otherwise this case is fully covered by the judgment given in O.A. No.367 of 2001 passed by Lucknow Bench and also O.A. No. 531 of 1997 decided on 23.05.2003 passed by Allahabad Bench whereby both the O.As were dismissed by observing that creation and bifurcation

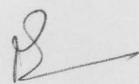


of the cadre and merger is purely an Administrative matter. In the exigencies of the matter, it is for government to decide to merge a particular department or bifurcate the same, it does not call for any interference in view of the Judgment given by Hon'ble Supreme Court in the case of State of Kerla Vs. M.K. Krishnan Hair and Ors. reported in AIR 1970 SC 747.

4. In view of the fact that this matter is already decided by Allahabad Bench as well as Lucknow Bench against the applicant in both these cases and applicants in this case are not interested in prosecuting their case any further, This D.A. is dismissed on the lines as held in O.A. No.367 of 1990 passed by Lucknow Bench. No order as to costs.



Member (A)



Member (J)

shukla/-