

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.409 OF 2000

ALLAHABAD THIS THE 13TH DAY OF JANUARY,2005

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

HON'BLE MR. S. C. CHAUBE, MEMBER-A

1. Shri Naresh son of Shri Har Gyan, r/o c/o Shri Shyam Lal Sharma, Indira Colony Dhaulpur, Rajasthan presently working as Cleaner in Diesel shed, Dhaulpur, Central Railway, Jhansi Division Jhansi.
2. Sri Vinod Kumar Son of Shri Shyam Lal resident Indira Colony Station Road Dhaulpur, Rajasthan at present working as Helper Khalasi in Signal Telecommunication Department, under the Senior Section Engineer Gwalior, Central Railways Jhansi Division, Jhansi.
3. Mahendra Singh s/o Hoti Lal, r/o Village Samaula at present working as Helper Khalasi in Signal and Telecommunication Department, under the Chief Telecom Inspector South Agra, Central Railway, Jhansi Division, Jhansi.
4. Nihal Singh s/o Teg Singh r/o Village Khorpura, post Kanswati Khera, Tehsil Bari, District-Dhaulpur, Rajasthan, at present posted at Gher Railway Station as Helper Khalasi, under the Chief Signal Inspector Agra Cantt, C.R. Jhansi Division, Jhansi.
5. Mahesh Kumar S/o Ram Charan r/o Mohalla Bhamtipura, Dhaulpur Rajasthan, at present posted as Helper Khalasi at Mouraina Railway Station under the Chief Signal Inspector Gwalior, C.R. Jhansi Division, Jhansi.
6. Jagdish S/o Moti Lal r/o Mohalla-Jalhapuri Tehsil Baha Dist-Agra at present posted as Helper Khalasi at Agra Diesel Shed at Agra Cantt, Agra.

.....Applicant

(By Advocate Shri Suamitra Singh)

Versus

Q&A

1. Union of India,
through General Manager,
Central Railways, Mumbai,
Chatrapati Shivaji Terminus,
Mumbai.
2. Divisional Railways Manager(Personal),
Central Railways, Jhansi Division,
Jhansi.
3. Assistant Personal Officer (Traffic),
Office of the Divisional Railways Manager(personal),
Central Railways Jhansi Division, Jhansi.

..... Respondents

(By Advocate Sri G.P. Agrawal)

D_R_D_E_R_

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

By means of notification dated 25.02.2000
(Annexure-2) the surplus steam staff shown in the list
attached to the said notification were required to be
informed that screening ^{would} ~~to~~ take place on the dates
indicated in the notification for their absorption. The
notification dated 25.02.2000(Annexure-2) reads as under:-

मध्य रेल, कायफोपोपोकाँझाँसी ।
पत्र सं०-पी/367/4/2/एलआर२स्टीम सरप्लस दिनांक 25-02-2000
सर्व संबंधित झाँसी मंडल ।

विषय: झाँसी मंडल में कार्यरत स्टीम सरप्लस स्टाफ को
सहायक चालक वे०मा० र०३०५०-४५९०५आरएस
आरपी५ के पद पर चयन हेतु 'स्क्रीनिंग' के संबंध में ।

उपरोक्त संदर्भ में संलग्न लिस्ट के स्टीम सरप्लस स्टाफ
के कर्मचारियों की स्क्रीनिंग इस कायलिय में निम्न निर्धारित प्रोग्राम के
अनुसार प्रातः 10 बजे होगी । अतः कृपया समस्त कर्मचारियों को
नोट कराये व समय से स्क्रीनिंग हेतु भेजे ।

दिनांक- 29-02-2000 प्रातः 10 बजे
दिनांक- 03-03-2000 प्रातः 10 बजे
दिनांक- 07-03-2000 प्रातः 10 बजे
दिनांक- 10-03-2000 प्रातः 10 बजे

५८१

झांसी स्टेशन के अलावा अन्य कर्मचारियों को झांसी आने जाने का डियूटी पास दिया जाये जिस पर कर्मचारी के हस्ताक्षर सत्यापित होने चाहिए ।

मुख्यालय पर लम्बित इन आर एम यू पीएनएम प्रकरण सं0-3057 के अन्तर्गत क्रम सं0-01 से 48 तक उन सभी अन्य कर्मचारियों को भी बुलाया जा रहा है जिनके नाम उपरोक्त प्रकरणमें हैं । वाणिज्य विभाग में कार्यरत स्टीम सरप्लस स्टाफ को भी सहायक चालक के पद पर चयन हेतु स्क्रीनिंग के लिए बुलाया जा रहा है इसके पश्चात इन कर्मचारियों को कोई भी अवसर नहीं दिया जायेगा । क्र0-3, 18, 22, 97, 98 तथा 99 के कर्मचारियों को उपरोक्त परीक्षा में आई डी केस सं0-44/98 के आदेश दिन 8-9-8 के अनुपालन में बुलाया जा रहा है ।

कृपया नोट करें व सभी कर्मचारियों को उपरोक्त स्क्रीनिंग में समय से सुनिश्चित करें ।

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2. The said notification came to be cancelled by means of the impugned notification dated 04.02.2000. The examination which was scheduled to take place between 09.02.2000 and 11.02.2000 was also cancelled by means of the said notification dated 04.02.2000.

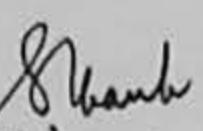
3. In paragraph 4 of the counter affidavit it is stated that the applicants herein had already been absorbed in Diesel Department permanently vide letter dated 24.02.1995 and ^{“are”} ~~they~~ still working in the same department. It is further stated in para 4 of the counter affidavit that at present ^{“there is no”} ~~the~~ ^{“is not”} steam surplus staff. In that view of the matter the cause of action does not survive. In any case, the applicants do not have any right. The respondents cannot be compelled to

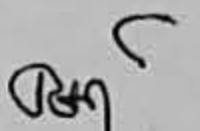
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.....4/-

hold the screening test as initially purposed vide
notification dated 25.02.2000.

4. Accordingly, the O.A. fails and is dismissed with
no order as to costs.


Member-A


Vice-Chairman

/ns/