

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



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)

_O_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} 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, कार्यालय 0म0रे0प0कां झांसी ।
पत्र सं0-पी/367/4/2/एलआर2स्टीम सरप्लस दिनांक 25-02-2000
सर्व संबंधित झांसी मंडल ।

विषय: झांसी मंडल में कार्यरत स्टीम सरप्लस स्टाफ को
सहायक चालक वे0मा0 रु03050-4590 आरएस
आरपी के पद पर चयन हेतु स्क्रीनिंग के संबंध में ।

उपरोक्त संदर्भ में संलग्न लिस्ट के स्टीम सरप्लस स्टाफ के कर्मचारियों की स्क्रीनिंग इस कार्यालय 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



-: 3 :-

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

मुख्यालय पर लम्बित एन आर एम यू पीएनएम प्रकरण सं०-3057 के अन्तर्गत क्रम सं०-01 से 48 तक उन सभी अन्य कर्मचारियों को भी बुलाया जा रहा है जिनके नाम उपरोक्त प्रकरणमें है । 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 । क्र०-3, 18, 22, 97, 98 तथा 99 के कर्मचारियों को उपरोक्त परीक्षा में आई डी केस सं०-44/98 के आदेश दि० 8-9-8 के अनुपालन में बुलाया जा रहा है ।

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

ह०/-

॥ के० पी० खड्डर ॥

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.

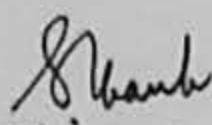
3. In paragraph 4 of the counter affidavit it is stated that the applicants herein had already been absorbed in Diesel Department permanently vide letter dated 24.02.1995 and ^{are} they ~~is~~ still working in the same department. It is further stated in para 4 of the counter affidavit that at present ^{there is no} ~~there is~~ 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



.....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/