

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 454 OF 2000

ALLAHABAD, THIS THE 15th DAY OF SEPTEMBER, 2004HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)
HON'BLE MR. S. C. CHAUBE, MEMBER (A)

1. Uday Chandra Chaudhary a/a 38 years
son of Shri Sukumar Chaudhary
r/o Railway Quarter No.1210-B
Asansol Jogibaba More (West Bengal)
Presently posted as Section Engineer in the office
of Chief Works Manager (TMC) Plant Depot,
E.R. Mughalsarai.
2. Bivas Narayan Sarkar a/a 38 years
son of Sri Manindra Narayan Sarkar
Resident of C/o Dy. Chief Engineer/TMC
Engg. Plant Depot, Mughalsarai Chandauli,
Presently posted as Section Engineer in the office of
Chief Works Manager (TMC) Plant Depot,
E.R. Mughalsarai.
3. Ajit Panna a/a 37 years son of Shri S. Panna
resident of Railway Quarter No. L2/CD Plant Depot
Colony Mughalsarai, Chandauli
Presently Posted as Section Engineer
In the office of Chief Works Manager (TMC)
Plant Depot, ER Mughalsarai.
4. Parsanta Karmakar a/a 39 years
son of Shri Santosh Kumar,
R/o New South Colony,
Quarter No. 835-11/343 Andal
District Burdwan,
Presently posted as Section Engineer,
in the office of Chief Works Manager (TMC)
Plant Depot, E.R. Mughalsari.
5. S.K. Sinha,
aged about 39 years
son of Late Hemendra Kumar Sinha
r/o 1594/A, Plant Depot Colony,
P.O. Mughalsari, Chandauli,
presently posted as Section Engineer,
in the office of Chief Works Manager (TMC)
Plant Depot,
E.R. Mughalsari.

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6. G.P.Tiwari a/a years
Son of Sri
Resident of Engg. Plant Depot. Colony
Mughalsarai, Chandauli
Presently posted as Section Engineer
in the Office of Chief Works Manager(TMC)
Plant Depot, ER Mughalsarai
7. A.K.Sharma a/a 34 years Son of
Sri U.P.Sharma Resident of
Plant Depot Mughalsarai, Chandauli
Presently posted as Section Engineer
in the Office of Chief Works Manager(TMC)
Plant Depot, ER Mughalsarai
8. Sushil Kumar Sharma a/a 38 years
Son of Late Sri Dashrath Pd. Sharma
Quarter No. 1425-C, Plant Depot Colony
ER Mughalsarai, Chandauli
Presently posted as Section Engineer
in the Office of Chief Works Manager(TMC)
Plant Depot, ER Mughalsarai
9. Sanjit Bandyopadhyaya a/a 39 years
Son of Late Santi Ram Bandyapadhyaya
196 Banerjee Para Road P.O.Shyamnagar
24- Pargana ,West Bengal,
Presently posted as Section Engineer
in the Office of Chief Works Manager(TMC)
Plant Depot, ER Mughalsarai, Chandauli
10. Rajendra Prasad a/a about 38 years
Son of Ramani Hanjan Halder
C/o Dy.Chief Engineer,Trach Machine
Plant Depot, Eastern Railway, Mughalsarai
Presently posted as Section Engineer
in the Office of Chief Works Manager(TMC)
Plant Depot,ER Mughalsarai, Chandauli

11. Raghavendra Nath Mitra aged about 38 years
Son of Sri Rabindra Nath Mitra
Quarter No. 1525/D, Plant Depot Colony
Mughalsarai, Chandauli,
Presently posted as Section Engineer
in the Office of Chief Works Manager(TMC)
Plant Depot, ER Mughalsarai,
Chandauli.
12. Keshava Singh aged about 39 years
Son of Sri B.R.Singh
Quarter No.1525-D,Plant Depot,
Colony, Mughalsarai, Chandauli
Present posted as Section Engineer
in the Office of Chief Works Manager(TMC)
Plant Depot, ER Mughalsarai,
Chandauli.
13. Gaur Haripal aged about 42 years
Son of Sri Shibnath Pal
Quarter No.1580-A, Plant Depot Colony
Eastern Railway, Mughalsarai
Presently posted as Section Engineer
in the Office of Chief Works Manager (TMC)
Plant Depot, ER, Mughalsarai,
Chandauli.
14. Mohd. Rustom Ali aged about 38 years
Son of Sri Hanif/Ahmad Late S.K.Israfil
R/o -1594-C Plant Depot Colony ER Mughalsarai
Presently posted as Section Engineer
in the Office of Chief Works Manager(TMC)
Plant Depot, ER Mughalsarai
Chandauli
15. Kuddush Ahmad aged about 38 years
Son of Sri Hanif Ahmad
R/p



Presently posted as Section Engineer
in the Office of Chief Works Manager(TMC)
Plant Depot, ER Mughalsarai
Chandauli

16. Sushanta De aged about 40 years
Son of Sri Ashotosh De
Resident of 17-Subhashnagar (Na- Para)
Calcutta, Presently posted as
Section Engineer in the Office of
Chief Works Manager(TMC) Plant Depot,
ER Mughalsarai, Chandauli
17. Rajendra Kumar aged about 37 years
Son of Late M. Baitha
Quarter no. SE/7M Plant Depot
Mughalsarai ER Chandauli
Presently posted as Section Engineer
in the Office of Chief Works Manager(TMC)
Plant Depot ER Mughalsarai,
Chandauli
18. P.K. Das aged about 38 years
Son of Sri B.B. Dash
Resident of Sr. Section Engineer
Co- ordination/ TT, Plant Depot
Mughalsarai, ER, Chandauli
Presently posted as Section Engineer
in the Office of Chief Works Manager(TMC)
Plant Depot, ER Mughalsarai,
Chandauli
19. Bikanand Jena aged about 59 years
Son of Sri P.C. Jena
Resident of 1545(A) Plant Depot
Colony, Mughalsarai, ER Chandauli
Presently posted as Sr. Section Engineer
in the Office of Chief Works Manager(TMC)
Plant Depot, ER Mughalsarai, Chandauli

20. G.P.Manjan aged about 39 years
Son of Late P.R.Manajan
Quarter no.CWM/ PD/MAS
Engineering Plant Depot. Mughalsarai
Presently posted as Sr. Section Engineer
in the Office of Chief Works Manager
Plant Depot, ER, Mughalsarai,
Chandauli
21. Sukher Bihan aged about 40 years
Son of Late ~~Sinhasan~~ Kaila Bihar
R/o Quarter no.1533/D Plant Depot
Mughalsarai, Chandauli
Presently posted as Sr.Section Engineer
in the Office of Chief Works Manager
Plant Depot, ER Mughalsarai,
Chandauli
22. Shambha Sharan Bathi aged about 45 years
Son of Late Sinhasan Bathi
Quarter no 1097,ABC
European Colony Mughalsarai, Chandauli
Presently posted as Sr. Section Engineer
in the Office of Chief Works Manager
Plant Depot, ER Mughalsarai,
Chandauli
23. S.N.Ram aged about 46 years
Son of Late Parmeshwar Ram
Resident of Quarter no.1545-B/PD Colony
Mughalsarai ER Chandauli
Presently posted as Sr. Section Engineer
in the Office of Chief Works Manager,
Plant Depot, ER Mughalsarai,
Chandauli



24. Upal Sen aged about 52 years
Son of Late Pabitra Sen
1581-D, Plant Depot Colony, ER
Mughalsarai, Chandauli,
Presently posted as Sr. Section Engineer,
in the office of Chief Works Manager,
Plant Depot, ER Mughalsarai
Chandauli.
25. Sarbaman Prasad Verma a/a 54 years
Son of Late K.P. Verma
R/o 534 Plant Depot Colony Mughalsarai
Presently posted as Sr. Section Engineer
In the Office of Chief Works Manager,
Plant Depot, ER Mughalsarai,
Chandauli
26. Bal Ram Mukherjee aged about 50 years
Son of Late A.C. Mukherjee
R/o Quarter no. 1528/C, Plant Depot
Colony Mughalsarai,
Presently posted as Sr. Section Engineer
in the Office of Chief Works Manager,
Plant Depot, ER Mughalsarai,
Chandauli
27. Subhasis Bandyopadhyaya aged about 55 years
Son of Late Bijhapado Bandyopadhyay
R/o Engg. Plant Depot, Eastern Rly
Mughalsarai, Chandauli
Presently posted as Sr. Section Engineer
in the Office of Chief Works Manager,
Plant Depot, ER Mughalsarai,
Chandauli
28. Debashhis Nath aged about 39 years
Son of Sri Anil Kumar Nath



C/o Dy. Chief Engineer (TMC)
Engg. Plant Depot, Eastern Railway
Mughalsarai Chandauli
Presently posted as Sr. Section Engineer
in the Office of Chief Works Manager
Plant Depot, ER Mughalsarai,
Chandauli

29. Buddhadev Sen Aged about 48 years
Son of Late Narayan Chandra Sen
C/o Dy. Chief Engineer (TMC) Plant Depot
Colony ER Mughalsarai, Chandauli
Presently posted as Sr. Section Engineer
in the office of Chief Works Manager
Plant Depot, ER Mughalsarai,
Chandauli
30. R. Krishna Moorthy a/a 59 years
Son of Late Raghvendra Rao
Resident of MI/CD Plant Depot ER Mughalsarai
Presently posted as Sr. Section Engineer
in the Office of Chief Works Manager
Plant Depot, ER Mughalsarai,
Chandauli
31. Guneshwar Rajak aged about 34 years
Son of Late Lakhan Rajak
C/o Dy. Chief Engineer (TMC) Engg.
Plant Depot, ER Mughalsarai, Chandauli
Presently posted as Junior Engineer (I)
in the Office of Chief Works Manager,
Plant Depot, ER Mughalsarai, Chandauli
32. Shashi Dhar aged about 33 years
Son of Sri B. Shankaram, Resident of
1260-B Traffic Colony Asansol
Presently posted as Junior Engineer Gr 'I'
in the office of Chief Works Manager,
Plant Depot, ER Mughalsarai, Chandauli

33. B.K.Dash aged about 33 years
Son of Sri Sudhankar Dash
Resident of Engg. Plant Depot Colony
Quarter No.1579/C Eastern Railway
Mughalsarai, Chandauli
Presently posted as Junior Engineer Gr. 'I'
in the Office of Chief Works Manager
Plant Depot, ER Mughalsarai, Chandauli
34. Subhasis Roy aged about 49 years
Son of Sri Prabodh Chandra Roy
Resident of 9/3A Saren Tanks Lane Calcutta
Presently posted as Junior Engineer Gr 'I'
In the Office of Chief Works Manager
Plant Depot, ER Mughalsarai, Chandauli
35. Ram Bachan Yadav aged about 34 years
Son of Sri Roop Chandra Yadav
R/o 1580-A, Plant Depot, Colony
Mughalsarai, Chandauli
Presently posted as Junior Engineer Gr 'I'
In the Office of Chief Works Manager
Plant Depot, ER Mughalsarai, Chandauli
36. Shishir Kumar Baxla aged about 33 years
Son of Sri Dharam Das Baxla
R/o Plant Depot Mughalsarai Chandauli
Presently posted as Junior Engineer Gr 'I'
In the Office of Chief Works Manager,
Plant Depot, ER Mughalsarai, Chandauli
37. Jagar Nath Toppo aged about 38 years
Son of Sri Kaila Toppo Resident of Engg. Plant
Depot Mughalsarai, Chandauli
Presently posted as Junior Engineer Gr 'I'
in the Office of Chief Works Manager,
Plant Depot, ER Mughalsarai Chandauli

38. Sunil Kumar aged about 36 years
Son of Sri Raghunath Singh
R/o Plant Depot Colony- Quarter No.1442/C
ER Mughalsarai, Chandauli
Presently posted as Junior Engineer Gr. 'I'
In the Office of Chief Works Manager,
Plant Depot, ER Mughalsarai, Chandauli
39. Prakash Pathak aged about 36 years
Son of Sri Shiv Ram Pathak
907 /AB Shastri Colony, Mughalsarai
Presently posted as Junior Engineer Gr 'I'
in the Office of Chief Works Manager,
Plant Depot, ER Mughalsarai Chandauli
40. Ram Praveesh Singh aged about 35 years
Son of Sri Brij Kumar Singh
Resident of T1/ PD Colony/ MAS
ER Mughalsarai Chandauli
Presently posted as Junior Engineer Gr'I'
in the Office of Chief Works Manager,
Plant Depot, ER Mughalsarai Chandauli
41. Achintaya Kumar Mandal aged about 39 years
Son of Late Satchidanand Mandal
C/o Dy.Chief Engineer (TMC)
Trac Machine Organisation Engg.Plant Depot.
ER Mughalsarai,
Presently posted as Junior^{Engg.}/Gr 'I'
inthe Office of Chief Works Manager,
Plant Depot, ER Mughalsarai, Chandauli
42. Kamla Kant aged about 44 years Son of
Sri Ram Dhani Resident of Amoghpar Naibasti
P.O.Mughalsarai, Chandauli
Presently posted as Junior Engineer Gr'I'
in the office of Chief Works Manager,
Plant Depot, ER Mughalsarai, Chandauli

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43. Ghanshyam Rai aged about 33 years
Son of Sri S.K.Rai
R/o 905 ABC European Colony Mughalsarai
Presently posted as Junior Engg. Gr 'I'
in the office of Chief Works Manager
Plant Depot, ER Mughalsarai, Chandauli
44. Vikas Ranjan aged about 33 years Son of
Sri H.M.Prasad Resident of Quarter no.1529-A
PD Colony, Mughalsarai Chandauli
Presently posted as Junior Engineer Gr 'I'
In the office of Chief Works Manager
Plant Depot, ER Mughalsarai, Chandauli
45. Bharat Singh aged about 38 years
Son of Sri H.N.Singh Resident of
Quarter no.1594-D, Plant Depot Colony
Mughalsarai, Chandauli,
Presently posted as Junior Engineer Gr 'I'
in the office of Chief Works Manager,
Plant Depot, ER Mughalsarai Chandauli
46. Hari Lal aged about 37 years Son of
Sri Ram Achal Resident of Quarter no.1117
CD Plant Colony Mughalsarai, Chandauli
Presently posted as Junior Engineer Gr 'I'
in the office of Chief Works Manager,
Plant Depot, ER Mughalsarai Chandauli
47. Shiv Bachan Prasad Gupta aged about 36 years
Son of K. P. Gupta Resident of
Quarter no.1579-B, Plant Depot Railway Colony
Mughalsarai, Chandauli
Presently posted as Junior Engineer Gr 'I'
in the office of Chief Works Manager, Plant Depot.
ER Mughalsarai, Chandauli

48. Ashok Kumar Sharma aged about 40 years
Son of Late Baijnath Sharma Resident of
Quarter no. L/596 P.O.Sindri Distt.Dhanbad
Presently posted as Junior Engineer Gr 'I'
in the Office of Chief Works Manager Plant Depot
ER Mughalsarai, Chandauli
49. Jawed Akhtar aged about 32 years Son of
Sri Kabeedn Ahmad Resident of Quarter
No.1594-C, Plant Depot Colony ER Mughalsarai
Chandauli, Presently posted as Junior Engg. Gr'I'
in the Office of Chief Works Manager, Plant
Depot ,ER Mughalsarai, Chandauli.
50. Sanjay Kumar Srivastava aged about 38 years
Son of Late K.L.Srivastava Resident of
1580 -A, Plant Depot Colony Mughalsarai
Presently posted as Junior Engineer Gr 'I'
in the Office of Chief Works Manager, Plant
Depot, ER Mughalsarai, Chandauli
51. Chandra Shekhar aged about 34 years
Son of Sri R.S.Mehto Resident of
Quarter no.1594/B, Plant Depot Colony
Mughalsarai Chandauli Presently posted
as Junior Engineer Gr 'I', in the Office
of Chief Works Manager, Plant Depot, ER
Mughalsarai, Chandauli
52. Arghya Kusum Pal aged about 37 years
Son of Sri Nirmal Chandra Pal Roy
C/o ~~Railway~~ Dy.Chief Engineer, Engineering
Plant Depot Mughalsarai, Chandauli
Presently posted as Junior Engineer Gr 'I'
in the Office of Chief Works Manager Plant
Depot, ER Mughalsarai ,Chandauli

53. Probal Kumar Mukhopadhyay aged about 35 years
Son of Sri Pasupati Mukhopadhyay
C/o Dy.Chief Engineer (TMC) Engineering Plant
Depot, Mughalsarai, Presently Posted as
Junior Engineer Gr 'I' in the Office of
Chief Works Manager Plant Depot, ER Mughalsarai
Chandauli.
54. Ashis Halder aged about 42 years
Son of Sri Ramani Ranjan Halder
C/i Dy.Chief Engineer, Plant Track Machine
ER Mughalsarai, Chandauli presently posted
as Junior Engineer Gr 'I' in the office of
Chief Works Manager Plant Depot, ER Mughalsarai
Chandauli
55. Lok Nath Mishra aged about 36 years
Son of Sri Kailash Nath Mishra R/o
Quarter no.1579/A Plant Depot Colony
Mughalsarai, Chandauli, Presently posted as
Junior Engineer Gr 'I' in the office of
Chief Works Manager Plant Depot, ER Mughalsarai
Chandauli
56. Dhananjay Kumar Sinha aged about 35 years
Son of Sri Shiv Prasad Singh R/o
862 Officers colony Khagaul Patna
Presently posted as Junior Engineer Gr 'I'
in the office of Chief Works Manager Plant Depot
ER Mughalsarai, Chandauli
57. Gautam Singh aged about 35 years
Son of Sri Rama Shanker Singh R/o
Quarter no.1118 'AB' Plant Depot Colony
Mughalsarai, Presently posted as Junior Engineer
Gr 'I' in the office of Chief Works Manager
Plant Depot, ER, Mughalsarai, Chandauli

58. Satyen Biswas aged about 35 years Son of
Sri Jitendra Nath Biswas , TMC
Plant Depot, Mughalsarai, Chandauli
Presently posted as Junior Engineer Gr 'I'
in the office of Chief Works Manager, Plant
Depot ER, Mughalsarai, Chandauli.
59. Madhusudan aged about 33 years Son of
Late Ram Chandra Saha Resident of
Quarter no.1259/B, Traffic colony,
P.O.Asansol Distt.Bardhman
Presently posted as Junior Engineer Gr 'I'
in the office of Chief Works Manager,
Plant Depot, ER Mughalsarai, Chandauli
60. Abhai Kumar aged about 38 years Son of
Late Umeshwar Prasad
C/o Dy.Chief Engineer (TMC) Plant Depot
Mughalsarai, Distt. Chandauli
Presently posted as Junior Engineer Gr 'I'
in the Office of Chief Works Manager,
Plant Depot, ER Mughalsarai, Chandauli
61. Dilip Kumar Dubey aged about 33 years
Son of Sri Yadunath Dubey
C/o Dy. Chief Engineer (TMC), Plant Depot
Mughalsarai, Chandauli
Presently posted as Junior Engineer Gr 'I'
in the office of Chief Works Manager,
Plant Depot, ER Mughalsarai, Chandauli
62. Mahendra Kumar Sharma aged about 34 years
Son of Sri Ram Dutt Sharma Resident of
Quarter no.1580/A Plant Depot Colony Mughalsarai
Presently posted as Junior Engineer Gr 'I'
in the office of Chief Works Manager, Plant
Depot. ER Mughalsarai, Chandauli



63. Yagya Narain aged about 45 years
Son of Late Shri Lakhan Resident of
Village Naikot Post Jansoki Maran ,Chandauli
Presently posted as Junior Engineer Gr 'I'
in the office of Chief Works Manager, Plant
Depot, Er, Mughalsarai, Chandauli
64. R.N.Verma aged about 41 years
Son of Sri Prameshwar Prasad
Resident of P.O.Dhanama Via Aliganj
Distt. Jamui Bihar,
Presently posted as Junior Engineer Gr 'I'
in the Office of Chief Works Manager, Plant De
Depot , ER Mughalsarai, Chandauli
65. Bajrangi Sharma aged about 34 years
Son of Sri Raghunandan Sharma
Resident of Quarter no.866-A
New Colony Danapur Patna,
Presently posted as Junior Engineer Gr 'I'
inthe Office of Chief Works Manager, Plant
Depot, ER , Mughalsarai, Chandauli.
66. Girish Chandra Prasad aged about 36 years
Son of Sri Ram Prasad Resident of
Quarter no. 1425/D Plant Depot Colony
Mughalsarai, Presently posted as Junior
Engineer Gr. 'I' in the Office of Chief Works
Manager, Plant Depot, ER Mughalsarai, Chandauli
67. Anil Kumar aged about 32½ years
Son of Sri Harihar Baitha Resident of
TT, Plant Depot Colony, Mughalsarai, Chandauli
Presently posted as Junior Engineer Gr 'I'
in the Office of Chief Works Manager Plant
Depot, ER Mughalsarai Chandauli



68. Satyendra Kumar aged about 34 years
Son of Sri Mithila Saran Sinha
Resident of Engg. Plant Depot, TT (Lines)
Mughalsarai, Chandauli
Presently posted as Junior Engineer Gr 'II'
In the Office of Chief Works Manager Plant Depot
ER Mughalsarai, Chandauli
69. Rabi Kant aged about 30 years Son of
Sri Ram Bali Singh Resident of
C-65 Gangli Bridge colony Galzarbagh Patna-7
Presently posted as Junior Engineer Gr 'II'
in the office of Chief Works Manager, Plant
Depot, ER Mughalsarai, Chandauli
70. Nagendra Pratap aged about 33 years
Son of Late Haridwar Prasad Resident of
C/o Sanjay Srivastava Quarter no. 1580/A
Plant Depot Colony Mughalsarai, ER
Chandauli, Presently posted as JE Gr 'II' in the
Office of Chief Works Manager, PD, ER Mughalsarai
71. Arjan Kumar Arun aged about 31 years
Son of Sri Ramji Sah, Resident of Quarter
No. 1580/A, Plant Depot. Colony, ER Railway
Mughalsarai, ER Chandauli, Presently
posted as Junior Engg Gr 'II' in the Office
of Chief Works Manager Plant Depot, ER Mughalsarai
72. Abhai Kumar aged about 32 years Son of Sri
~~Sanjay Singh~~ S.P. Singh C/o Sr. Section Engg.
Co-ordination/TT Plant Depot, Mughalsarai
Presently posted as Junior Engineer Gr 'II'
in the Office of Chief Works Manager Plant Depot
ER Mughalsarai
73. Arun Kumar aged about 32 years Son of Sri P. Paswan
C/ Sr. Section Engineer, Co.ordination/ TT Plant De
pot, Mughalsarai, Presently posted as Junior
Engineer Gr 'II', in the office of Chief Works
Manager, Plant Depot, ER Mughalsarai.

74. Prakash Kumar Singh aged about 30 years
Son of Sri B.P.Singh C/o Sr. Section Engineer
Co-ordination/TT Plant Depot, Mughalsarai
Presently posted as Junior Engineer Gr 'II'
In the Office of Chief Works Manager, Plant
Depot, ER Mughalsarai, Chandauli
75. Amresh Kumar Singh aged about 32 years
Son of Sri Shajanand Kumar C/o Sr. Section Engg.
Co-ordination/ TT Plant Depot, Mughalsarai
Presently posted as Junior Engineer Gr 'II'
in the Office of Chief Works Manager, Plant
Depot, ER Mughalsarai, Chandauli

.....Applicants

(By Advocate : Shri Sudhir Agarwal)

Versus

1. Union of India through the Secretary
Ministry of Railways New Delhi
2. The Director (Track Machines) Rail Bhawan
Sansad Marg, New Delhi
3. The General Manager, Eastern Railway, Fairly
Place, Calcutta
4. Chief Works Manager, Plant Depot,
Mughalsarai
5. Dy. Chief Engineer, TMC, Plant Depot,
Eastern Railway Mughalsarai

- - - - - Respondents

(By Advocate : Shri A.K. Gaur)



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O R D E R

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

This O.A. has been filed as many as 75 applicants who ¹² have claimed the following reliefs:-

- "(i) to issue a mandamus to the respondents restraining them from compelling the applicants to discharge their duties of track machine operator/drivers and they should provide qualified and competent Track Machine Operators and drivers to run and operate the Track Machines.
- (ii) In the alternative to direct the respondents to grant them allowances, which are admissible to the running staff and to the applicants.
- (iii) to issue mandamus to the respondents to pay them extra salary/wages for the additional duty of driving the Track Machines as well as they are being made to work as operators and drivers both.

They have further sought a direction to give them all the consequential benefits."

2. All the applicants are either Junior Engineer Gr.I, Section Engineer or Sr. Section Engineer presently working under the Track Machine Organisation at Mughalsari. It is submitted by the applicants that medical category required for Track Machine Operators is A-3 and most of the applicants are having medical category of A-III while applicant No.21 and 46 only have medical category of B-I, whereas the medical category for drivers of Train is A-I. Therefore, when the Track Machine Operators are made to run the Track Machines from one point to the other points of long distances, It is not only a safety ^{hazard} for applicants but for the others as well because they do not have the medical category, which is required of an engine driver. It is submitted by the applicants that whenever there is an emergency due to an accident or otherwise



are¹²
applicants ~~have~~ required to drive the Track Machine from starting point to the place of accident, which can ^{at times¹²} ~~attempt~~
^{be¹²} ~~speed~~ a very long distance but neither they know the signals about the driving of engines nor have the medical category. Therefore, it is not justifiable to make them drive the track machine from the point of site to the starting point on their own. For this purpose, it is submitted by them that they should be given proper drivers so that Track Machines are driven back safely to the starting point. In the alternative it is submitted by them that since they are made to run the Track Machines for quite some distance, they should be given the running allowances as is being given to the train drivers.

3. It is submitted by the applicants that under the Indian Railways (Open Line) General Rules 1976 Driver has been defined in sub-rule 19 to mean⁴ the engine driver or any other competent railway servant for the time being in charge of driving a train. Train has further been defined in sub-rule 58 to mean⁵ an engine with or without vehicles attached or any self-propelled vehicle with or without a trailer, ~~the~~ which cannot be readily lifted off the track. Therefore, the Track Machines would be covered under the definition of self-propelled vehicle. It is further submitted by the applicant that they had even given ^a representation⁶ to the authorities namely the Chief Personnel Officer, Eastern Railway, Falzelid Place, Calcutta, which are annexed with this O.A. on page 62, 63, 69 & 71 of the Paper Book. But since no reply has been given to them, therefore, they have no other option but to file the present O.A.

4. Respondents on the other have opposed this O.A. They have submitted that to modernise the Track which suits to safe passing of ~~the~~ fast speed trains, the system from manually maintenance of track was switch over to machinised maintenance



somewhere in 1963 in the eastern Railway. Since then a new organisation namely Track Machine was added in the Eastern Railway. These track machines are highly sophisticated machines. Therefore, to operate and maintain them only qualified technical supervisors in different fields like electrical mechanical automobile, Civil etc. have been recruited. They are imparted technical training and transportation training for a period of 6 months and over a 6 months field training before posting them on machines for its operation and maintenance. Apart from it they are also being sent for refresher courses at Railway Institute IRTMC Allahabad and other private organisation for technical training from time to time. They were also sent to Zonal Training School Bhuli from 10.02.2000 to update their knowledge and safety.

5. They have further explained that basic function of track machine operator is to operate and maintain various track machines for the utilisation or maintenance of ^{Railway} Tracks, and since only technically qualified persons can operate this machine therefore, they alone can handle the said track machines. They have further submitted that applicants are performing their duties within the prescribed duty and responsibility of track machine operators as given in the Indian Railway Track Machine Manual 2000 within the prescribed roster in 8 hours with weekly rest as per manual. If they work ^{are} beyond roster hours, they have paid over time as per extant rules. Moreover, with each machine a camping coach has been provided where track machine operators can take rest after duty hours. They have further submitted that the matter was raised through recognised union regarding posting of a separate driver before the highest forum i.e. JCM on 10.06.1997 at Railway Board and discussed in presence of



AIRF, /General Secretary and NFIR General Secretary along with Chairman, Railway Board as also other officials in which it was explained that it may not be possible to provide a separate driver only for driving. The Chargeman-cum-operators who are working in the operating machines are quite capable of driving the machine also which was agreed to by representative. Moreover the safety training of the assigned job is mandatory. They have further submitted that medical category of Track Machine Operators has been decided ^{as per B} ~~either~~ nature of job and as per Indian Railway Track Machine Manual Pg.126, which is A-3. Therefore, they are performing their duties, ^{for} which they are appointed and trained. They have, thus, submitted that there is no merit in the D.A. the same may therefore, be dismissed.

6. We have heard both the counsel and perused the pleadings as well.

7. At the very outset we would like to make it clear that sitting here in court we do not know at all the working about the Track Machine or Railway Engine or Trains etc. what are the requirements of a track machine whether those can be driven by separate drivers or not and whether it is feasible for the Railways to provide separate drivers for running the track machine etc. is not known to us because that is not our field, the experts on the subject ~~can~~ alone ^{can} decide these matters. If applicants have any grievance which they feel can pose a safety hazard due to their low medical category required for the post of track machine where-as higher category is required for the engine drivers ^{or are facing} ~~are~~ problems ^{they are} ~~which~~ have to be placed before the authorities.

other


8. Perusal of the representation on Pg.61 onwards shows



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that in none of the representations, applicants have given a detailed grievance, the representations are rather stereo type in nature without specifying the difficulties which are being ^{faced by} ~~placed~~ by the Track Machine Operators. Therefore, we think, it would be better if applicants are directed to give a self contained detailed representation to the authorities concerned, detailing therein the actual difficulties, which are faced by them for example with regard to their eye ^{sight} or ignorance of the signals etc. while driving the track machine by putting them serial wise so that authorities may apply their mind to the grievances set out by the applicants and pass reasoned and detailed orders thereon under intimation to the applicant. Accordingly, applicants are given one months time to file detailed representation setting out ~~and~~ their grievances in seriatum within a period of one month from the date of receipt of a copy of this order. In case such a representation is given by the applicants, the competent authority shall apply his mind to each of the grievances raised by the applicants and ~~then~~ pass reasoned order thereon within a period of 4 months thereafter under intimation to the applicants.

9. With the above above directions, this O.A. is disposed off with no order as to costs.


Member (A)


Member (J)

shukla/-