

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 1st day of December, 2000

CORAM :-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Hon'ble Mr. S. Dayal, A.M.

I. Original Application No.83 of 2000.

1. Sushil Chandra Sharma
S/o Late Ved Ram Sharma,
R/o Near Sattar Bund, Sahwar Gate,
Kasganj, Etah, Engine Cleaner,
Diesel Shed, North Eastern Railway,
Izzatnagar Division, Bareilly.
2. Dharmendra Kumar Misra
S/o Sri Rajendra Prasad Misra,
R/o L/21-A, Hospital Colony,
Etah, Engine Cleaner, Diesel Shed,
North Eastern Railway, Izzatnagar,
Bareilly.

(Sri T.S. Pandey, Advocate)

. Applicants

Versus

1. Union of India through its Ex-Officio
Secretary and Chairman, Railway Board,
Rail Bhawan, New Delhi.
2. General Manager, North Eastern Railway,
Gorakhpur.
3. Divisional Railway Manager, North Eastern Railway,
Izzatnagar Division, Bareilly.
4. Divisional Mechanical Engineer, North Eastern
Railway, Izzatnagar Division, Bareilly.
5. Senior Crue Controller, Kasganj,
North Eastern Railway, Izzatnagar Division,
Bareilly.

(Sri AK Gaur, Advocate)

. Respondents

A N D

II. Original Application No.953 of 2000.

1. Naresh Pal Singh S/o Late Patti Lal,
R/o Prabalad Nagar, Near Temple of Saktoshi Mata,
Post Mani Nath, Bareilly.
2. Dilip Chandra S/o Sri Khem Karan Singh,
R/o 85, Bhoor, Pati-Ki-Bajariya, Bareilly.



3. Yogesh Chandra Pradhan S/o Sri R.C. Pradhan,
R/o Mohalla Soot-Ki-Mandi, Kasganj, Etah.
4. Sant Ram S/o Megh Singh,
R/o Village Brahimpurjagir, Post-Paithan,
Farrukhabad.
5. Durga Prasad S/o Sri Mewalal,
R/o Ram Singh, P-20, Shastri Nagar, Bareilly.
6. Dharam Singh Yadava, S/o Sri Khimman Lal,
R/o 298, New Santosh Bhawan Mani Nath Road,
Bareilly.
7. Um Prakash (CL) S/o Sri Chadambi Lal,
R/o 424, Nekpur Galla Mani, Bareilly.
8. Chanda Miyan S/o Azamat Khan,
R/o Near Beharipur Chauki, Bareilly.
9. Israr Husain S/o Ramzani
R/o Mohalla Karolan, Beharipur,
Bareilly.

(Sri T.S. Pandey, Advocate)

. Applicants

Versus

1. Union of India through General Manager, North
Eastern Railway, Gorakhpur.
2. Divisional Rly Manager, North Eastern Rly,
Izatnagar, Bareilly.
3. Senior Divisional Personnel Officer, North
Eastern Railway, Izatnagar, Bareilly.
4. Divisional Mechanical Engineer, North Eastern
Railway, Izatnagar, Bareilly.

(Sri AK Gaur, Advocate)

. Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. Justice RRK Trivedi, V.C.

As question of law and facts in both the aforesaid applications are similar, they are disposed of finally by a common order.

2. The facts in short giving rise to these applications are that the applicants Sushil Chandra Sharma and Dharmendra Kumar Misra in O.A. No.83/2000 were serving as Engine Cleaners. On account of alleged change of




Loco-Shed, the employees including the applicants[^] became surplus. By the order dated 24-12-1999 (Annexure-A-1 to the OA) the applicant no.1 Sushil Chandra Sharma has been posted as Khalasi in Electricity Department in pay scale of Rs.2550-3200. By the order dated 29-12-1999, the applicant no.2 has been posted as Khalasi in pay scale of Rs.2550-3200 in Diesel Shed, Izzatnagar. Dissatisfied with the aforesaid order, the applicants have filed this OA under Section 19 of the Administrative Tribunals Act, 1985.

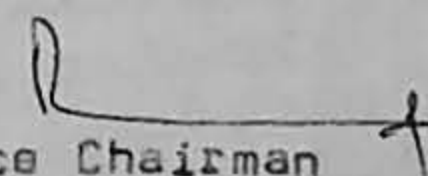
3. In OA No.953/2000, the applicants were serving as Engine Cleaners. By the order dated 29-12-1999, they all of sudden were posted in pay scale of Rs.2550-3200 in Diesel Shed[^] Izzatnagar as Khalasi. By the order dated 6-1-2000, Applicant No.1 Naresh Pal Singh had been posted as Khalasi in the grade of Rs.2550-3200 at R.T.S. The applicants have not filed copy of the order dated 6-1-2000 alongwith the OA. However, learned counsel for the applicant has placed before us a photocopy of the order which shall form part of the record.

4. Learned counsel for the applicant has placed before us[^] the order dated 21-4-1989 which is Annexure-1 to the RA and has submitted that the impugned order of posting[^] of applicants, are contrary to the guidelines provide in the order dated 21-4-1989. We have perused the aforesaid order from which it appears that several arrangements have been contemplated in the order for transferring[^] ~~surplus~~ ^{surplus} employees, to other departments. Directions regarding promotion, pay scale and seniority have also been provided by the order. Learned counsel for the applicants submitted that as the applicants were serving in pay scale of 2610-3540, their posting

R—d

as Khalasis in the lower pay scale amounts to reversion which is not in consonance with the order dated 21-4-1989. However, on close scrutiny, in our opinion, the apprehension entertained by the applicants is not justified. It cannot be disputed that both the posts of Engine Cleaners and the posts of Khalasis are Group 'D' ^{posts}. It appears that the applicants were upgraded in Group 'D' posts itself after serving ^{for a} some time, though at the time order for their absorption was passed, they were drawing higher salary. They are entitled for pay protection for which observation has already been made in the bottom of the impugned order that fixation of salary shall be done subsequently. Hence, the apprehension as stated, appears to be baseless. Regarding other promotional chances, seniority etc., in our opinion, the applications are premature as the real effect will be known to the applicants only on their joining at the place of posting and if they have any grievance, then they may raise it before the departmental authorities or may challenge the same before this Tribunal. With the aforesaid observations, the applications stand disposed of with no order as to costs.


Member (A)


Vice Chairman

Dube/