

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1509 of 2002
(M.A.No.5029/2002 in Diary No.5158/02)

Allahabad this the 20th day of December, 2002

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj Gen K.K. Srivastava, Member (A)

1. Suryaprakash Srivastava S/o Sri Ganga Prasad Srivastava, R/o Quarter No.247/J New Loco Colony Eastern Railway, Lahartara, Varanasi.
2. Safiq Ahmad S/o Late Navi Hussain, R/o Indara Land Mission Road, District Mau.
3. Ramji Prasad S/o Sri Mithai, R/o Haridypur Post Sarnath, District Varanasi.

By Advocate Shri T.S. Pandey

Applicants

Versus

1. Union of India through Secretary and Chairman Railway Board, Rail Bhavan, New Delhi Pin-110001.
2. General Manager, North Eastern Railway, Gorakhpur.
3. Divisional Railway Manager, North Eastern Railway, Varanasi Division, Varanasi.
4. Senior Divisional Operating Manager, North Eastern Railway, Varanasi Division, Varanasi.

Respondents

By Advocate Shri K.P. Singh

ORDER (Oral)
By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

The 3 applicants are serving as Assistant Guards. By order dated 05.03.2002 they were transferred

to different stations in capacity of Pointsman (Kantawala), which was challenged by filing ^{an} application Diary No.1270/02. The case was disposed of finally by the following order;

"We find it appropriate that the O.A. may be disposed of at admission stage itself with the permission to the applicants to represent before the competent authority for their grievance by filing a detailed representation, which will be considered by the competent authority within a period of three months from the date of receipt of such representation."

2. In pursuance of the aforesaid direction the impugned order has been passed on 04.06.2002 (annexure-2). In this order, controversy as to whether applicants were promoted as Assistant Guard on regular basis then how they ^{could} ~~can~~ be reverted to the post of Kantawala, has not been dealt with and decided. The applicants are stating that they are not interested in promotion as Goods Guard. They only want to continue as Assistant Guard, for which they faced selection and were promoted. In our opinion, the respondents no.3-Divisional Railway Manager(P) ought to have ^{to} ~~to have~~ given a pointed decision on this controversy, which has not been done. Shri K.P. Singh, learned counsel for the respondents on the other hand submitted that the applicants were declared surplus as Assistant Guard and thereafter they were absorbed as Pointsman (Kantawala). It is not that they have been reverted from Assistant Guard to Pointsman. However, such position is not clear from the impugned order. If it was so, it should have been mentioned in the order. In the circumstances, the order dated 04.06.2002 is

quashed. The respondent no.3 is directed to decide the controversy by fresh order. In the light of the order dated 20.03.2002 and the order passed in this O.A. Fresh order shall be passed within 3 months from the date a copy of this order is filed. Till then, the status quo as on today, shall be maintained. No order as to costs. Copy of the order shall be given to the counsel for the parties within 3 days.



Member (A)

/M.M./



Vice Chairman