

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Misc. APPLICATION NO.5072 OF 2002

IN

DIARY NO.5228 OF 2002 1516/02 (OA.1516/02)

ALLAHABAD THIS THE 24TH DAY OF DECEMBER,2002

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER-A

1. Het Singh S/o Sri Ram,
aged about 45 years,
R/o Sri Om Pal Shakaya,
Ashok Nagar, Maninath,
Bareilly (U.P.)
Presently working as Goods Attendent (CA)
at Kasganj, N.E. Railway Station.
2. Masitulla S/o Sri Shaggatulla,
aged about 45 years,
C/o Sri Irsad Khan, Mohalla: Sayed Nagala,
Kasganj, Distt. Etah (U.P.).
Presently working as C.A. on Kasganj,
N.E. Railway Station.
3. Ram Bhajan S/o Sri Jeevan Lal,
aged about 48 years,
R/o Quarter No.7/16H Railway Colony,
Jai Ram Mohalla, Kasganj,
District Etah (U.P.)
Presently is working as C.A. at Bareilly
City Station.
4. Ramesh Chandra S/o Sri Nathoo Lal,
aged about 48 years, R/o Mohalla Panjayawalla,
Soroan, Distt. Etah (U.P.).
Presently is working as C.A. at Bareilly
City Station.
5. Rajendra Prasad S/o Sri Ram Charan,
aged about 42 years, R/o Mohalla Rajaya Wala,
P.O. Soraon, Sukar Region, District : Etah (U.P.)
Presently is working as C.A. at Bareilly,
City Station.
6. Malkhan Singh S/o Sri Nathoo Lal,
aged about 51 years, R/o Mohalla Pajaya Wala,
Katra, Soraon, Distt. Etah (U.P.)
Presently is working as C.A. at
Station Kasganj.
7. Lal Babu S/o Sri Dukhi,
aged about 45 years, R/o H.No. 62,
Laxmi Narain Mandir Lane, Kuwarpur,
Bareilly.
Presently is working as C.A. at
Bareilly City Station.
8. Murari Lal S/o Sri Khunni Lal,
aged about 49 years, R/o Kasganj,
District Etah (U.P.).
Presently is working as C.A. at
Station Kasganj, District Etah (U.P.)
9. Rajeev Misra, S/o Sri H.C. Misra,
aged about 44 years, R/o 13, Bungalow,
Chauhpura Railway Colony, Bareilly.

Presently is working as C.A. at
Station Kasganj.

10. Syed Bakar Reza Rizavi S/o Sri Syed Imtaz
Hussain, Aged about 43 years, R/o L-3 Bungalow,
Choupala, Railway Colony, Bareilly.
Presently is working at Bareilly City Station.
11. Ravindra Nath Srivastava S/o Sri Krishan Lal,
aged about 51 years. R/o Krishan Nagar,
Prabhat Saden, Izzatnagar, Bareilly (U.P.)
Presently is working as C.A. at Kasganj,
Railway Station.
12. Tej Ram S/o Sri Gummani Ram,
aged about 54 years, R/o 166 Civil Line,
Bareilly,
Presently is working as C.A. (Bed Role)
attached at Kalhigodam, District Nainital,
Uttaranchal.

..... Applicants

(By Advocate Shri R.C. Pathak)

Versus

1. Union of India,
through General Manager,
N.E. Railway, Gorakhpur.
2. Divisional Railway Manager,
N.E. Railway, Izzatnagar Division,
Bareilly.
3. Divisional Personnel Officer,
N.E. Railway Izzatnagar,
Bareilly.
4. Divisional Commercial Manager,
N.E. Railway, Izzatnagar, Bareilly,
5. Chief Workshop Manager,
N.E. Railway, Izzatnagar,
Bareilly (U.P.)
6. Chief T.T. Inspector,
N.E. Railway, Kasganj (U.P.)
7. Chief T.T. Inspector,
N.E. Railway, Bareilly City,
Bareilly (U.P.)

..... Respondents

(By Advocate Shri K.P. Singh)

O R D E R

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER-4

This application has been filed under
section 19 of the Administrative Tribunals Act 1985,

The applicants have prayed that the orders dated 02.12.2002, 10.12.2002, 19.12.2002 and 22.12.2002 (Annexure A-1 to A-4) be quashed and respondents be directed not to transfer and absorb the applicants in Izatnagar workshop pursuant to order dated 02.12.2002.

2. The main grievance of the applicant is that they were working as Coach Attendant of First Class Coach since 1992 onwards. However, they have been declared surplus and they are being forced to join at Izatnagar Workshop. Once they were declared surplus they should have been asked to give their option and only then an order could be issued, which has not been done. The applicants have also filed various reservation charts of the first class in support of their contention that the first class coaches are still plying and the applicants have been declared surplus in an arbitrary manner.

3. The learned counsel for the applicant submitted that the respondents are applying two sets of standard as in case of Munna Lal, Fasil Beg and Tej Ram (Annexure A-22) who were also declared surplus, were asked to return to their respective posts and only after calling for the option they were to be relieved, whereas in the present case the applicants have not been given any opportunity to exercise their option. The learned counsel for the applicant further submitted that the applicants were relieved on 02.12.2002 (Annexure A-12) for appearing in the screening test which was to be held on 04.12.2002. The screening test was held on 05.12.2002. As per the applicant's counsel in the letter dated 02.12.2002 (Annexure-12) nowhere it is mentioned that the applicants were declared surplus.



4. The proper course for the respondents would be that they return the applicants to their original post, call for their options and thereafter pass appropriate order. Aggrieved by this the applicants have filed representations before D.R.M. on 06.12.2002 (Annexure A-15), 20.12.2002 (Annexure A-19) and another representation on 21.12.2002 (Annexure A-21) complaining that they were not allowed to appear in the selection test held for the post of Ticket Collector. ^{The representation}
So filed have not been decided.

5. The learned counsel for the respondents has opposed the claim of the applicant and submitted that number of posts of Coach Attendant have been reduced from 26 to 12 and, therefore, 14 posts have been declared surplus. The respondents have sympathetically considered the cases of the applicants and have issued the orders for the applicants to join the workshop, after going through the screening test which was held on 05.12.2002.

6. I have heard counsel for the parties, considered their submissions and perused records. The interest of justice shall better be served if the representations of the applicant referred to above are decided within a specified time by a reasoned and speaking order. Since the applicants have been working as Coach Attendant for a very long time, they deserve legal protection.

7. In view of the aforesaid, the O.A is finally disposed of with a direction to the respondent no.2 to decide the



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representations of the applicant dated 06.12.2002 (Annexure A-15), 20.12.2002 (Annexure A-19) and 21-12-2002 (Annexure A-21) within a period of six weeks from the date of communication of this order by a reasoned and speaking order. Till the representations of the applicants are decided, they shall be allowed to work on their posts on which they were working. However, in case no posts are available they will be shown against superannumary posts for such time their representations are decided. The O.A. stands disposed of.

8. There will be no order as to costs.



Member-A

/Neelam/