

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 308 of 2002

Allahabad this the 21st day of March, 2002

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

1. Kedar Rai, aged about 50 years, Son of Resident of Vaishali State of Bihar.
2. Sharma Nand Giri, aged about 50 years, Son of Resident of Village Chanawari, Gopalpur State of Bihar.
3. Sarju Ram, aged about 50 years, Son of Ram Wichar Ram, Resident of Village Tarwara Uriyan Tolla District Siwan State of Bihar.
4. Sirajuddin, aged about 49 years, Son of Abdul Latif, Resident of Paharpur Balia.
5. Barchcha, aged about 51 years, Son of Sri Budhu, Resident of Village Gigna, Dixit, District Deoria.
6. Failu Singh Yadav, aged about 51 years, Son of Baijnath Yadav, Resident of Village Chitawana, District Varanasi.
7. Shyam Lal, aged about 49 years, Son of LalBehari Das, Resident of Bhatni District Deoria.
8. Ram Naresh Yadav, aged about 50 years, Son of Late Shanker Yadav, Resident of Village Pipra Binhan District Deoria, all working as Coach Attendant Varanasi Division, North-Eastern Railway, Varanasi in the pay scale of Rs.2650-4000 baring the applicants no.3 and 6 who are working in the pay scale of Rs.2750-4400/-.

Applicants

By Advocate Shri T.S. Pandey

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1. Union of India through General Manager, North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, North Eastern Railway, Varanasi Division, Varanasi.
3. Senior Divisional Commercial Manager, North Eastern Railway, Varanasi Division, Varanasi.

Respondents

By Advocate Shri K.P. Singh

O R D E R (Oral)

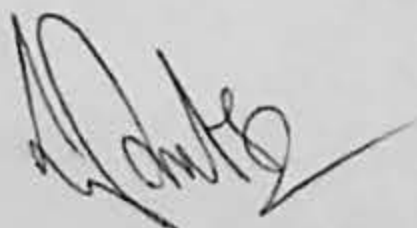
By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

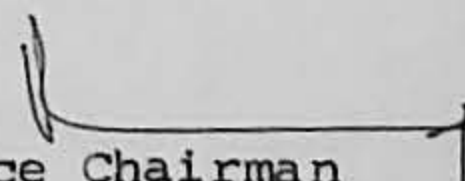
This O.A. has been filed challenging the order dated 12.11.2001 (annexure-1) by which the applicants who were serving as Coach Attendants have been posted as Helper Khalasi as they were rendered surplus. The grievance of the applicants^u is that this ~~Order~~^u has been passed ignoring the direction of the Railway Board contained in circular dated 21.04.89. The applicants have also prayed that the respondents no.1 to 3 be directed to promote the applicants on any higher grade in terms of either order dated 28.09.01 or in terms of Assured Carrier Progression Scheme issued by Government of India vide letter dated 09.08.1999. There is no dispute between the parties so far as the factual aspect is concerned. Shri K.P. Singh has submitted that on the basis of Railway Board's circular dated 21.04.1989 Coach Attendants and Assistant Guards have been posted as Ticket Collector and Goods Guard by the General Manager, Northern Railway as the vacancies were available there. It is submitted that in N.E. Railway, vacancies are not available hence similar order could not be passed accommodating the applicants as Ticket



Collector and Goods Guard. Shri Pandey learned counsel for the applicant has, however, submitted that the vacancies may not be available in one division but no efforts have been made to ascertain the vacancy position prevailing in other division^a. He submits that the circular of Railway Board dated 21.04.1989 is binding on the respondents and it ought to have been given effect, and if the applicants could not be accommodated as Ticket Collector and Goods Guard, they may be accommodated in other equivalent posts in commercial side.

2. Considering the facts and circumstances and keeping in view the order of this Tribunal dated 02.11.2001 passed in O.A.No.1245/01, we dispose of this O.A. finally with a direction to the respondents to consider the re-deployment of the applicants as Ticket Collector or Goods Guard or as Assistant Guards in other division/railways within a period of four months in the light of Railway Board's letter/circular dated 21.4.1989. There will be no order as to costs.


Member (A)


Vice Chairman

/M.M./