

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 11th day of June 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

D.A. No. 2660 of 2002. / O.A.NO. 715/02.

1. Prem Prakash aged about 46 years s/o Late Shri Gajadhar r/o Mustafa Quarter, Behind 'B' Block, New Janata Colony, Agra.
2. Ram Niwas aged about 44 years s/o Late Shri Chandra Bhan Singh r/o Qr. No.249-B, Railway Colony, Agra Cantt.
3. Prem Narain aged about 40 years s/o Shri Ram Prasad r/o Vill. Biharipur (Samai), Post Etmadpur, District Agra.
4. Purushottam Lal aged about 44 years s/o Late Shri Ram Singh r/o Subha Nagar, District Muraina.
5. Radhey Shyam aged about 40 years s/o Late Shri Hoti Lal r/o K-38, Railway Colony South, Agra Cantt.

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..... Applicants.

Counsel for applicants : Sri R. Verma.

Versus

1. Union of India through the General Manager, Central Railway, Chhatrapati Shivaji Terminus, Mumbai.
2. The Divisional Personnel Officer, Central Railway, Jhansi.
3. The Assistant Personnel Officer (M), Central Railway, Jhansi.

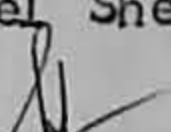
Counsel for respondents : Sri K.P. Singh.

O R D E R (ORAL)

BY MR. S. DAYAL, A.M.

This application has been filed for setting aside the order dated 8.5.02 in so far as it relates to the applicants by which the applicants have been transferred from Agra Cantt. to Jhansi Diesel Shed. The applicant seeks further direction to the respondents No.2 & 3 to permit the petitioners to continue at Agra Cantt. itself and issue a list of surplus employees after adopting due process and then to pass transfer orders.

2. The applicants have claimed that they are being transferred to Jhansi Diesel Shed because the respondents have



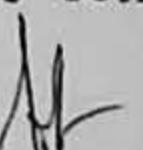
taken the ground that they have become surplus at Agra Cantt. The applicants have claimed that they were upgraded from the post of Helper Khalasi to that of Artisen Grade III on the basis of recommendation of Vth Pay Commission and letter of Railway Board dated 28.9.98 was issued. They were upgraded and posted at Agra Cantt vide order dated 9.7.99. It is claimed that the order dated 8.5.02, they are being transferred in same capacity from Agra Cantt to Jhansi Diesel Shed on the ground that they became surplus.

3. The arguments of Sri R. Verma for applicant and Sri Pankaj Srivastava, B.H. of Sri K.P. Singh for respondents have been heard.

4. I have carefully perused the order of transfer which merely states that in Agra Cantt and Gwalior Diesel Shed, there are more employees than sanctioned posts and, therefore, certain persons were being transferred from these places to Jhansi Diesel Shed. The names of the applicants appeared at Sl.No. 1 to 5 in the said order. The order nowhere mentions that the employees have been declared surplus. It only suggests that a re-deployment has become necessary because of mis-match between the sanctioned post and number of employees existing at Agra and Gwalior.

5. The applicants have claimed that they have certain difficulties in proceeding to Jhansi Diesel Shed and that there may be other persons available who are willing to go to Jhansi Diesel Shed if they are given options. The counsel for the applicants stated at bar that the applicants have so far not been relieved.

6. I, therefore, direct the Respondent No.2 to give a hearing to the applicants on a date to be fixed by him and to be communicated to the applicants ^{in June 2002} _{at the earliest} within this month itself. The applicants shall make it convenient to appear before the



respondent No.2 on the date communicated to them and present their grievances before the Respondent No.2 who shall pass the orders regarding the grievances before relieving them. It is made clear that no other date shall be allowed to the applicants for presenting their grievances and that the order passed by Respondent No.2 shall prevail.

The O.A. stands disposed of with the above directions. There shall be no order as to costs.


A.M.

Asthana/
11.6.02