

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

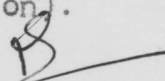
Allahabad, this the 30th day of November, 2004.

QUORUM : HON. MRS. MEERA CHHIBBER, J.M.

HON. MRS. ROLI SRIVASTAVA, A.M.

O.A. No. 1257 of 2003

1. Amit Jaiswal, S/o Shri Gopal Ji Jaiswal, resident of 49 Kala Danda, Himmatganj, Allahabad working as Personal Assistant (Personnel Branch).
2. K.G. Venugopalan, S/o Late A.K. Gopal Panicker, resident of 8-E, Kanpur Road Railway Colony, Allahabad, working as Personal Assistant (General Branch).
3. Manjeet Singh Maken, S/o Shri Iqbal Singh Maken, R/O 178-C, Ghanshyam Nagar Railway Colony, Chauphatka, Allahabad, working as Sr. Steno (Personnel).
4. Madhu Shyam, S/O Dr. G.J. Gupta, R/O 40/6, Hamilton Road, George Town, Allahabad, working as Accounts Assistant.
5. Ashok Kumar Srivastava, S/O Late Raghu Nandan Lal, R/O 194, New Mumfordganj, Allahabad, working as Section Engineer (Drawing/S&T).
6. Jay Bahadur Srivastava, S/o Shri Param Sukh Lal Srivastav R/O 26-A/I-A, Bhawapur, Allahabad, working as Head Clerk (Personnel Branch).
7. Ram Krishna, S/O Shri Indrajit, R/O 41, Bhusauli Tola, Allahabad, working as Head Clerk (Personnel Branch).
8. Om Prakash Verma, S/o Shri Govind Prasad Verma, C/O Shri S.K. Singh, R/O 173/8, Luker Ganj, Allahabad, working as Section Engineer (Electrical/OHE).
9. Rajesh Kumar, S/O Late Bhagwati Prasad Srivastava, R/O 398/13-E, Meerapur, Allahabad, working as Head Clerk (Personnel Branch).
10. Prashant Dwivedi, S/O Late S.L. Dwivedi, resident of 173/66-A ~~Luker Ganj~~ ~~George Town~~, Allahabad, working as ~~A~~Accounts Assistant.
11. Vijay Kumar Srivastava, S/O Shri A.P. Srivastava, R/O 129/16-A, Malviya Road, George Town, Allahabad, working Senior Clerk (Law Section).



12. Mohan Shrinath Mishra, S/O Late Shrinath Mishra, R/O 854-B, Loco Colony, 10th Avenue, Allahabad, working as Office Superintendent (Law Section).
13. Nagendra Prasad Tripathi, S/O Shri J.P. Tripathi, R/O 793-A, Ghanshyam Nagar Railway Colony, Chauphatka, Allahabad, working as Office Superintendent (S&T Branch). All working in the Office of General Manager, Central Organisation for Railway Electrification, Nawab Yusuf Road, Civil Lines, Allahabad.

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.....Applicants.

Counsel for applicants : Sri A. Mohiley.

Versus

1. General Manager, Central Organisation for Railway Electrification, Nawab Yusuf Road, Allahabad.
2. Chief Personnel Officer, Central Organisation for Railway Electrification, Nawab Yusuf Road, Allahabad.
3. General Manager, North Central Railway, Hqrs. Office, Allahabad.
4. Union of India through Secretary, Ministry of Railways, Railway Board, Rail Bhawan, New Delhi.

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.....Respondents.

Counsel for Respondents : Sri A.K. Gaur.

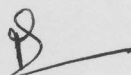
O R D E R (ORAL)

BY HON. MRS. MEERA CHHIBBER, J.M.

By this O.A., applicants have sought the following reliefs :-

"i) Writ, order or direction in the nature of certiorari be issued quashing the decision conveyed by Respondent No.2 vide letter dated 19.09.2003 regarding non-release of the applicants from the office of General Manager, Railway Electrification, Allahabad to join North Central Railway and further intimating Respondent no.3 no further processing ~~no~~ need be done even of all other applications forwarded for willing Railway Electrification, Allahabad staff for N.C. Railway.

(ii)Writ, order or direction in the nature of



mandamus may be issued directing the General Manager, Railway Electrification, Allahabad (respondent no.1) to immediately relieve/spare the applicants to join new zonal railway headquarters well before the cut-off date of cadre closing i.e. 31.10.2003 as the notification clearly mentions forwarding options entails commitment to spare the staff for transfer to new zonal railways as and when required by the concerned new zonal railways.

iii) Writ, order or direction in the nature of mandamus may be issued to General Manager, North Central Railway, Allahabad (Respondent no.3) to keep open the cadre in its office so far as it relates to the applicants."

2. The whole grievance of the applicant in this case was that pursuant to the letters written by ^{Railway Board for} newly created

Railway Zones, options had been called from the employees and all the applicants had given their option to be retained in N.C.R. Zone. Their options were accepted also and the respective zones had requested the electrification organisation to release such employees who had already given their option for being absorbed in North Central Railway but the Railway Electrification, Allahabad was not releasing the applicants even though the cut off date for closing the cadre in NCR was stated to be 31.10.2003. It was at this stage that applicants had approached this Tribunal.

3. This Tribunal had protected the rights of the applicants by passing a detailed order on 29.10.2003 by observing as under :

"Since Applicants have not been relieved by the Railway Electrification due to some problems faced by them, applicants right to join the cadre of NCR shall not be closed by the Respondents till 21.10.2003 and even if they are spared till 21.10.2003 they shall be entitled to the same benefit which other optees shall get in the new NCR after exercising their options."

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4. Respondents have now filed a Supplementary C.A. wherein they have stated categorically that recently Railway Board has issued instructions vide letter dated 15.10.2003 to all the General Managers of new Zones to provide lien to the staff presently working in the Railway Electrification (Annexure SCA-I). They have further explained that due to acute shortage of staff, the Railway Electrification is not in a position to spare applicants to join the NCR, Allahabad but applicants are not put to any loss from financial point of view or in the matter of seniority because applicant Nos.2,3,5,6,7,8,9 and 13 of the present O.A. are presently enjoying ad-hoc promotion and as far as the seniority of applicants is concerned, all the applicants have been given paper lien in the NCR Zone and their seniority is also being maintained in the newly created NCR. Copy of the seniority list is annexed as Annexure SCR-4. They have further submitted that all the staff whose paper lien seniority is being maintained in the new zone will be considered for every future benefits in the cadre as per rule. Therefore, the O.A. may be dismissed as applicants rights have already been protected.

5. Counsel for the applicants, however, submitted that names of some of the persons who are applicants in the O.A. do not figure in the seniority list annexed by the Respondents. For example, the name of Sri Manjeet Singh Marand is not seen in the said seniority list.

6. We have heard both the counsel and perused the pleadings as well. Once Respondents have stated in their SCA that all the applicants have been given paper lien in the NCR who had given their option for being retained at NCR they have admitted in principle that such persons have to be retained even though on paper in the NCR. Therefore, if name of one person is not shown in the seniority list, the said person can always give representation to the authorities by referring to ^{respondents} ~~their~~ own SCA and request for

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giving him also the same benefits as it might have been missed out inadvertently or there might ~~have been~~ some other reason ~~why~~ his name is not shown in the seniority list. It will be open to him to give a representation to the General Manager, NCR through proper channel for bringing his name also on the cadre of NCR. He may give such a representation within four weeks from the date of receipt of a copy of this order. In case he gives such representation, the same shall be decided by the General Manager, NCR within a period of three months thereafter by passing a reasoned and speaking order under intimation to applicant No.3.

7. As far as other applicants are concerned, since they have already been given paper lien and their seniority has also been fixed in the NCR and Respondents have assured that they would be considered for further promotions also in accordance with the seniority list and as per rules available, we are satisfied that this O.A. needs no further adjudication. Since the O.A. has become infructuous, the same is disposed of in terms of the statement already made by the Respondents in their SCA.

No order as to costs.


A.M.


J.M.

Asthana/