

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

.....
Date of Order : 30.08.2001.

1. O.A.NO. 229/2001
2. M.A.NO. 156/2001. (In OA 229/2001)

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1. Gulam Mohd. S/o Shri Jumma Khan, aged about 49 years, R/o C/o Divisional Medical Officer, Hanumangarh Railway Hospital, Hanumangarh Junction.
2. Om Prakash S/o Shri Ruliya aged about 52 years, R/o C/o Divisional Medical Officer, Hanumangarh Railway Hospital, Hanumangarh Junction.
3. Ramesh Kumar S/o Shri Bhagwan Singh aged about 43 years, R/o C/o Divisional Medical Officer, Hanumangarh Railway Hospital, Hanumangarh Junction.
4. Rama Kishan S/o Shri Man Singh, aged about 40 years, R/o C/o Divisional Medical Officer, Hanumangarh, Railway Hospital Hanumangarh, Hanumangarh Junction.

All the applicants at present working on the post of Bhisti in the office of Divisional Medical Officer, Hanumangarh.

.....Applicants.

VERSUS

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Bikaner.
3. Senior Medical Superintendent, Bikaner Division, Northern Railway, Bikaner.
4. Divisional Medical Officer (Incharge), Northern Railway, Hanumangarh Junction.

.....Respondents.

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CORAM :

HON'BLE MR.JUSTICE B.S.RAIKOTE
VICE CHAIRMAN

Present :

Mr. B.S.Charan, Advocate, for the applicants.

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O R D E RBY THE COURT :

In this application the applicants have sought for quashing of Annex. A/4 dated 30th July, 2001 with a further prayer to direct the respondents to post the applicants on any other post having similar category except the post of Safaiwala.

2. It is seen from the order Annex.A/4 that about 28 persons who were earlier working as Bhisty/Bhisty Jamadar have been re-deployed as Safaiwalas in the Medical department of the Railways. The R.B.E. No. 106/89 dated 21st April, 1989 (Annex.A/6), provides for re-deployment of surplus staff in some other departments without any further delay. I think it appropriate to extract para (viii) of the said R.B.E. No. 106/89 dated 21st April, 1989, which reads as under :-



"(viii). Whenever a fairly large number of staff are likely to be rendered surplus in a particular location, the recognised unions should be advised in time, as far as possible, and their views regarding their re-deployment taken into account to the extent possible so that the surplus staff are fully utilised and redeployed quickly."

3. From the impugned order Annex.A/4 it is clear that the surplus staff candidates are re-deployed in other departments in terms of R.B.E. No. 106/89 and as such I do not find any illegality in such a re-deployment done in Annex.A/4.

4. It is not in dispute that the posts of Bhisty and Safaiwala are of equivalent grades and the nature of the duties are practically the same. The applicants perhaps feel that the post of Safaiwala is inferior to the post of Bhisty, in fact that is not so. The dignity of labour is one of the recognised principles in the social order that we have developed

in India and particularly Article 14 of the Constitution ensuring the right to equality to every one irrespective of religion, race, caste, sex or place of birth. Therefore, one should not think that the post of Safaiwala is of lesser dignity than the post of Bhisty when admittedly, they are equivalent posts with the same pay scale. In this view of the matter, the said re-deployment of the applicants and other persons named in Annex.A/4 as Safaiwalas, cannot be found fault-with. Instead of retrenching the surplus staff, the Railway department is adjusting them in some other wing so that they are not put to any other difficulties. For the above reasons, I do not find any merit in these applications. Accordingly, we pass the order as under :-



" The Original Application and the Misc.Application for joining together are dismissed at the stage of admission".


(JUSTICE B.S.RAIKOTE)
Vice Chairman

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