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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Date of Order : 18.10.2002.

O.A. NO. 73/2002

Yad Ram Meena S/o Shri Shiv Dayal Meena, by caste Meena, aged 31 years, Resident of Railway Quarters Colony, Sri Ganganagar, at present working as RTC for TTE at Sri Ganganagar.

.....Applicant.

VERSUS

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Bikaner Division, Bikaner.
3. Divisional Personnel Officer, Northern Railway, Bikaner.
4. Divisional Commercial Officer, Northern Railway, Bikaner.

.....Respondents.

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Hon'ble Mr. Justice G.L. Gupta, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

Capable of

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O R D E R
[Per Mr. Gopal Singh,]

In this application under section 19 of the Administrative Tribunals Act, 1985, applicant, Yad Ram Meena, has prayed for quashing the impugned order dated 26th February, 2002 (Annex.A/1) under which he has been reverted from the post of Leave Reserved Ticket Collector (LRTC) for Travelling Ticket Examiner (TTE) to the post of Ticket Collector (TC).

2. Applicant's case is that he was initially appointed on the post of Lampman with the respondent-department on 28th December, 1989. The applicant was selected for the post of TC Grade Rs. 3050-4590 (RP) against Class IV promotee quota on passing the written test held on 4th of August, 1998 followed by a Viva Voce on 4th September, 1999. After successful completion of training, applicant was posted as TC, Hissar, vide order dated 18th July, 2001. He had put in a request to the authorities for transferring him to one of the following stations on the post of Ticket Collector : (i) Hanumangarh (ii) Sri Ganganagar and (iii) Rewari. Accordingly, vide Office Order dated 23rd October, 2001, the applicant was transferred to Sri Ganganagar and posted against the vacancies of LRTC for TTE at his own request and at his own cost. Subsequently, vide order dated 26th February, 2002 (Annex.A/1), the applicant has been reverted back to the post of TC. Hence, this application.

3. The impugned order dated 26th February, 2002 (Annex.A/1), has been challenged by the applicant on the ground that the same has been passed without giving any notice to the applicant. It is also contended by the applicant that about 14 class IV employees, who were promoted as TC earlier to the applicant, were further promoted by way of ladder posting as LRTC for TTE at different stations and they are still working as LRTC for TTE. Hence, the applicant has been discriminated against.

Gopal Singh

4. Notices were issued to the respondents and they have contested the application. It is pointed-out by the respondents that at the Divisional level, a local policy decision was taken for ladder postings from the post of TC to LRTC for TTE. This concept of ladder posting which was introduced earlier by the Bikaner Division, was discontinued by an order dated 29th October, 2001 in pursuance of Headquarters policy decision and the policy of the Railway Board in view of the fact that the concept of ladder posting interfered with the very basis of avenues of promotion and channel of promotion in the ticket checking staff. It is also pointed-out that the applicant has not challenged the basic order dated 29th October, 2001, therefore, the O.A. is liable to be dismissed as the consequential order cannot be challenged. It is also pointed-out by the respondents that applicant has not been able to show any infringement of his legal rights. The learned counsel for the respondents has also cited the judgement of Hon'ble the Supreme Court in State of Punjab and others Vs. Ram Lubhaya Bagga printed as (1998) 4 SCC 117, in support of his argument that the respondent-department was within its right to change the policy of ladder posting. It has, therefore, been averred by the respondents that the application is devoid of any merit and deserves dismissal.

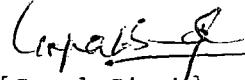
5. We have heard the learned counsel for the parties and perused the record of the case.

6. It is not in dispute that the applicant initially appointed as TC in the scale of Rs. 3050-4590, was posted as LRTC for TTE in the same scale at Sri Ganganagar. The policy of ladder posting had been discontinued by the Railway Board some time in 1993, however, it continued in operation at the local level in Bikaner Division of the Northern Railway. The local level ladder posting operating in Bikaner Division, was dis-continued vide respondents' letter dated 29th October, 2001.

(Signature)

Accordingly, the applicant was posted to his original post of TC. Since the applicant has been posted again as TC in the scale of Rs. 3050-4590, we do not find that the action of respondents in posting him as TC from the post of LRTC for TTE, has resulted-in any civil consequences to him and, therefore, we are of the view that no notice was required to be given to the applicant for his posting as TC. Further, the applicant has not challenged respondents' letter dated 29th October, 2001 by which the policy of ladder posting has been dis-continued. He is, therefore, estopped in challenging his posting as TC again. It would also be seen that the applicant has worked as LRTC to TTE only for a short period of about four months. In our opinion, working on a post for a period of four months, does not give any right to the applicant to continue on the post. The learned counsel for the applicant has also brought to our notice that during his posting as LRTC for TTE, the applicant was drawing running allowance and now by posting him as TC, he has been deprived of this running allowance. It may be pointed-out that there is no channel of promotion from TC to LRTC for TTE and, therefore, the applicant cannot claim a right for appointment as LRTC for TTE. However, the policy of ladder posting operative at local level in the Bikaner Division having been dis-continued, the applicant cannot be continued on the post of LRTC for TTE.

7. In view of the circumstances as aforesaid, we do not find any merit in this application and the same is liable to be dismissed. The Original Application is accordingly dismissed with no order as to costs.


[Gopal Singh]
Adm. Member


[G.L. Gupta]
Vice Chairman

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