

(CJY)

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

Original Application No. 25/2007

Date of decision:05.08.2010

Hon'ble Mr. Justice Syed Md Mahfooz Alam, Judicial Member.

Hon'ble Mr. V. K.Kapoor, Administrative Member.

1. Narain Lal aged about 50 years son of shri Panna Lal by caste Paliwal, resident of 613, Ganesh Nagar, Shiv Colony, Behind Upadhyaya Garden Udaipur (Raj)
2. Kishore Kumar aged 48 years, S/o Shri Krishna Gopal, by caste Bhandari, resident of 144 A Railway colony, Ranapratap Nagar Udaipur (Raj).
3. Dinesh Chandra aged 50 years, S/o Shri Churaman, By caste Washerman, Resident of 45 -D Ranapratap Nagar, Wadi., Udaipur (Raj)
4. Ragesh Kumar aged 47 years, s/o Shri Jayanti Lal, By caste Jha, Resident of 48 F Adi Line Railway Colony, Ranapratap Nagar, Udaipur (Raj).
Suresh Kumar, aged 49 years, S/o Shri Prabhu Lal, by caste Jeenagar, Resident of 1-P-16 Sector IV Hiranmagri, Udaipur (Raj).
6. Ramesh Kumar aged about 42 years S/o Shri Maya Ram, By caste Kumbhar, Resident of 1338, M.B., College, Kumaraon Ka Bhatta, Udaipur (Raj).

All above applicants No. 1 to 6 presently working on the post of Loco Pilot (shunting) under the office of Chief Crew Controller, City Railway Station, Udaipur City (Raj) (under reversion order 18.07.2006 passed by the respondent no. 2)

: Applicants.

Rep. By Mr. Narpat Singh : Counsel for the applicants.

Versus

1. Union of India, through the General Manager, North Western Railway, Jaipur. (Raj)
2. The Divisional Railway Manager, North Western Railway, Ajmer Division, Ajmer.

: Respondents.

Rep. By Mr. Salil Trivedi : Counsel for the respondents.



ORDER (oral)

Per Mr. Justice S.M. M. Alam, Judicial Member.

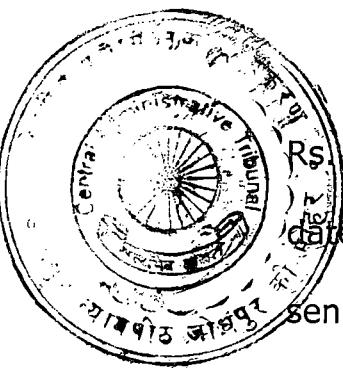
Applicants Narain Lal, Kishore Kumar, Dinesh Chandra, Ragesh Kumar, Suresh Kumar and Ramesh Kumar, who are presently working on the post of Loco Pilot (Shunting) in North Western Railway have preferred this Original Application for grant of following reliefs:

- (a) By an appropriate order, or direction, the impugned order dated 18.07.2006 (Annex. A/1) may kindly be declared illegal and be quashed and set aside with all consequential benefits..
- (b) Any other order which this Hon'ble Tribunal deems fit and proper in the facts and circumstances of this application may kindly be awarded in favour of the applicants.

2. The brief facts of the case are as follows:

Applicants were promoted on the post of Shunter Grade Rs. 4000-6000 on substantive basis on different dates vide order dated 14.04.2002 (Annex. A/2) and 23.09.2003 (Annex. A/3). A seniority list of Shunter dated 20.03.2003 (Annex. A/4) was issued by respondent No. 2, in which the names of applicants No..1 to 5 were shown at Sl. Nos 193, 191, 194, 197 and 198 respectively.

After issuance of the said seniority lists several employees out of the said lists were promoted to the post of Loco Pilot (Goods Train) Grade Rs. 5000-8000. Some of the applicants were also promoted on the post of Goods Driver vide order dated 13.05.2004. But by order dated 25.08.2005, they have been ordered to be reverted from the post of Goods Driver to the post of Loco Pilot (Shunter). This illegal action of the respondents was challenged by the applicant by filing O.A. No. 264/2005. The respondents conducted an examination for giving regular promotion to the post of Goods



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Driver. But due to serious irregularities and illegalities committed by the respondents the action of the respondents was challenged before this Tribunal by filing O.A. No. 167/2004 by some aggrieved persons. The applicants were discharging their duties on the post of Loco Pilot (Shunter) with efficiency.

3. The grievance of the applicants in the present O.A is that all of a sudden, respondent No. 2 issued an order dated 18.07.2006, reverting the applicants and others from their substantive post to the post of Loco Pilot (Asstt.) Gr. 4000-6000.

4. Some similarly situated persons challenged the illegal action of the respondents by filing O.A. No. 151/2006 (Sunil Kumar and others vs. UOI and anr.) An interim order dated 25.07.2006 was passed in favour of the applicants in O.A. No. 151/2006 whereby the effect and operation of the order dated 18.07.2006 was stayed and so the applicants were made to understand that in view of the interim order dated 25.07.2006 passed in O.A. No. 151/2006, the applicants herein will also not be reverted till the pendency of the said O.A. but on 11.01.2007 the applicants were verbally instructed to work on the reverted post of Loco Pilot (Asstt. Driver) with effect from 11.01.2007. It is stated that due to the earlier reversion order dated 25.08.2005 from the post of Good Driver to Loco Pilot (Shunting) the scale pay of the applicants were reduced from Rs.5000-8000 to Rs.4000-6000 and now due to the subsequent reversion as Loco Pilot (Assistant Driver) as per order

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dated 18.07.2006, the applicants' pay will further be reduced substantially and so the applicants have challenged the said order which is Annex. A/1 of this O.A.

5. On filing of the O.A, notices were issued to the respondents and the respondents made appearance through their lawyer and filed reply of the O.A. The stand of the respondents is that they have rightly issued the order dated 18.07.2006 (Annex. A/1) and therefore no interference is called for in the order.

6. During the course of hearing learned advocate of the applicants submitted that under the changed circumstances, there is no need to pass any order on merit. He submitted that by virtue of the interim order dated 19.01.2007, passed in this case, by which the respondents were directed to maintain the status quo and by the same interim order they were further directed not to relieve the applicants from the post of Loco Pilot (Shunting) in pursuance of the impugned order dated 18.07.2006 (Annex. A/1). He submitted that in view of the interim order granted by this Bench, the applicants are continuing to hold the post of Loco Pilot (Shunting) till date. The learned advocate of the applicant further submitted that in the mean time regular vacancies in the cadre of Loco Pilot (Shunting) have become available and all the applicants can be absorbed on the said post without disturbing or affecting the seniority of any employee. He also submitted that under the above circumstances this O.A can be disposed of with directions to

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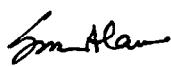
the respondents that the applicants should be absorbed on the post of Loco Pilot(Shunting) if the vacancies are available in this grade.

7. Learned advocate of the respondents contended that the order passed by the authorities is just and proper and hence no interference is called for from this Tribunal.

8. Considering the arguments of both sides, we are of the view that this O.A can be disposed of without going into the merits of the case with directions to the respondents that as the applicants are working on the post of Loco Pilot (Shunting) and if regular vacancies of the post of Loco Pilot (Shunting) are available and if the applicants are within the zone of consideration, then the applicants may be allowed to continue on the post of Loco Pilot (Shunting) and if any adverse order is made the respondents shall pass a speaking and reasoned order.

9. Accordingly this O.A. stands disposed of with the above directions to the respondents. No order as to costs.


[V.K. Kapoor]
Administrative Member


[Justice S.M.M. Alam]
Judicial Member.

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दिनांक 17/11/16 अवधान सार
मेरी व्यापारिक निवास 11/11/16
को भाग-II का यह स्पष्ट किए गए।

अमुभाग अधिकारी
केन्द्रीय प्रशासनिक अधिकारण
जोधपुर न्यायालय, जोधपुर