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**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR.**

**Original Application no. 42/2007**

**Date of decision:** 27. 03. 09

**Hon'ble Mr. Justice M.Ramachandran Vice Chairman.**

**Hon'ble Dr. Ramesh Chandra Panda, Administrative Member.**



1. Poonam Chand S/o Bhanwar Lal aged about 47 working as Senior Khalasi, under Inspector of Works N.W. Railway Bikaner (Rajasthan).
2. Sohan Ram, S/o Seva Ram aged about 47 working as Khalasi, under Inspector of Works, N.W. Railway, Bikaner (Raj.)
3. Nathu S/o Norang aged about 51 working as Khalasi, under Inspector of Works, N.W. Railway, Bikaner (Raj.)
4. Chanda S/o Mungey Khan aged about 50 working as Khalasi, under Inspector of Works, N.W. Railway, Bikaner (Raj.)
5. Peera Ram S/o Akooda Ram aged about 47 working as Senior Khalasi, under Inspector of Works, N.W. Railway, Bikaner, (Raj.)
6. Kishan Lal S/o ram lal aged about 51 working as Senior Khalasi, under Inspector of Works, N.W. Railway, Bikaner (Raj.)
7. Mohd. Rafi S/o Haji Mohd. Aged about 51 working as Senior Khalasi, under Inspector of Works, N.W. Railway, Biakner (Raj.)
8. Baxi Lal S/o Rewa Ram aged about 57 working as Senior Khalasi, under Inspector of Works, N.W. Railway, Biakner (Raj.)
9. Adhu Ram S/o Sugna Ram aged about 52 working as Senior Khalasi, under Inspector of Works, N.W. Railway, Biakner (Raj.)
10. Mohd. Nisar S/o Safi Mohd. aged about 50 working as Senior Khalasi, under Inspector of Works, N.W. Railway, Biakner (Raj.)
11. Gopi Chand S/o Pema Ram aged about 47 working as Senior Khalasi, under Inspector of Works, N.W. Railway, Biakner (Raj.)
12. Gauri Shankar S/o Maga Ram aged about 47 working as Senior Khalasi, under Inspector of Works, N.W. Railway, Biakner (Raj.)

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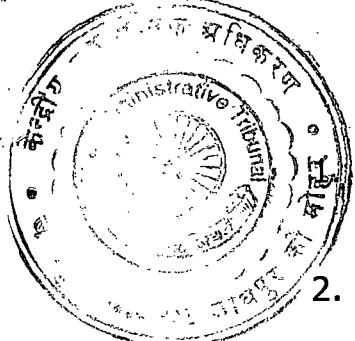
13. Nathu Singh S/o Udai Singh aged about 50 working as Senior Khalasi, under Inspector of Works, N.W. Railway, Biakner (Raj.)
14. Paras Ram S/o Bheru Ram aged about 47 working as Senior Khalasi, under Inspector of Works, N.W. Railway, Biakner (Raj.)
15. Tulca S/o Giya Ram aged about 51 working as Senior Khalasi, under Inspector of Works, N.W. Railway, Biakner (Raj.)
16. Madho Singh S/o Udji aged about 52 working as Senior Khalasi, under Inspector of Works, N.W. Railway, Biakner (Raj.)
17. Kuda Ram S/o Jora Ram aged about 42 working as Senior Khalasi, under Inspector of Works, N.W. Railway, Biakner (Raj.)

All the applicant resident C/o Poonam Chand Near Patano Ka Mohalla Old, Electric Department Railway Line, Bikaner.

.....Applicants.

None present for applicants.

### **Versus**



2. Union of India through General Manager, North-Western Railway, Jaipur.
3. The Divisional Personnel Officer, North-Western Railway, Bikaner.
3. The Assistant Engineer, North-Western Railway, Bikaner.

..... Respondents.

Rep. By Mr. Vinay Jain : Counsel for the respondents.

### **ORDER**

#### **Per Mr. Justice M. Ramachandran V.C. (J)**

We had already heard and disposed of O.A. NO.49/2007 [Rajendra Singh and ors vs. UOI and ors- decided on 27.03.2009]. The PRESENT claims are similar to the one agitated in O.A. No. 49/2007. The applicants have submitted that they are

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re-deployed vide Annex. A/1. Annex. A/1 is illegal and irregular. The main submission of the applicants as seen from the application is that they are seniors and their claim for retention is practically unnoticed by the respondents.

2. This is a case where certain Engineering Khalasies have been asked to go over as Gangman and it could be seen that they are opted to be placed in higher scale of pay.

3. In the reply filed by the respondents they have in unequivocal terms stated that no junior to the applicants have been attempted to be retained as Khalasies. Further the seniority list has been drawn from time to time after taking into account the suggestions coming from Trade Unions and after due deliberations. The applicants have been assigned proper seniority position by following prescribed procedure. We notice that the claim of the respondents as above had not been controverted by the applicants by filing any rejoinder.

4. In view of the above position and in the light of our order passed in O.A. No. 49/2007, we dismiss this O.A also.

5. We notice that perhaps, consequent to the interim order dated 26.02.2007, passed by this Tribunal the applicants might not have been relieved from their erstwhile department and they may be still continuing in the same place. Considering this singular

circumstances we hasten to add that the dismissal of this O.A will not preclude the respondents from considering the case of the applicant sympathetically and even to retain them in the present place of posting subject to of course of safeguarding the third parties rights or entitlements. No costs. .



*Dr. R. Chandra Panda*  
[Dr. Ramesh Chandra Panda]  
Administrative Member.

*Justice M. Ramachandran*  
[Justice M. Ramachandran]  
Vice Chairman (J)

Jsv.

Recd. 6/9  
JAI 2/3/09

Part II and III destroyed  
in my presence on 8/1/2015  
under the supervision of  
Section officer ( ) as per  
order dated 07/07/2015

Section officer (Record)