

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No OA 1167 of 1997
with MA 481/ 2003 & MA 523/ 2002

Date of Order: 1.12.2004

Present : Hon'ble Mr. Mukesh Kumar Gupta, Judicial Member
Hon'ble Mr. M.K. Misra, Administrative Member

JAYANTHA KUMAR DAS & ORS.

VS.

UNION OF INDIA (EASTERN RAILWAY)

For the applicant : Mr. T. Sarkar, Counsel

For the respondents : Dr. Ms. S. Sinha, Counsel

O R D E R (ORAL)

Mr. Mukesh Kumar Gupta, JM:

Counsel on both sides are heard. They admit that the issues raised in the present application were also raised in OA No. 1391/ 2001 which was disposed of vide order dated 16.9.2004. The said order reads as under:

"Heard Mr. Neogi, learned counsel for the applicants and Mr. Roy Choudhury, the learned counsel for the official respondents.

2. In this case undisputedly the applicants were working as Coach Attendant, which is a Group 'D' post. Usually the services of Coach Attendants were utilised, while there were 1st Class Compartments in all the Trains. But the system of providing 1st Class Compartments has almost been done away with after introduction of A.C. 1st Class and A.C. Sleeper Coaches. After such A.C. Coaches were introduced, the services of Coach Attendants are being utilised for facilitating better service to the passengers: even then there are some surplus staff of Coach Attendants who are required to be rehabilitated in other Departments. The respondent authorities have taken a decision that such surplus coach attendants shall be absorbed in the Electrical Section of the Train, since maintenance of A.C. Compartments is the job of electrical Section.

3. In the meanwhile, as regards surplus staff of Coach Attendants of N.F. Railway, the said Railway authorities have taken administrative decision that all surplus coach attendants with minimum qualification of Standard VIII may be absorbed against the direct recruitment vacancies of Ticket Collector in the Grade of Rs.3050 - 4590/-, but it is only at the suggestion stage and nothing has turned up as yet. The N.F. Railway authorities have taken an administrative decision to absorb the surplus Coach Attendants as Ticket Collector after conducting a suitability test through viva voce only. In so far as the staff working in Eastern Railway as Coach Attendants including the applicants are concerned, an administrative decision has been taken by the Eastern Railway authority to the effect that they should keep themselves in readiness to appear in such selection test, which includes written test, as well as viva-voce test.

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4. Mr. neogi, the learned counsel for the applicants has submitted that there cannot be two standard of test, one for N.F. Railway and other for Eastern Railway. Therefore, uniform policy decision is to be taken to absorb the surplus Coach Attendants in both the Rlys.

5. Mr. Roy Choudhury, the learned counsel for the respondent while supporting the action of Eastern Railway submitted that since the Ticket Collecting Staff are in Grade 'C' posts, the Coach Attendants (Gr. 'D') should have minimum qualification apart from being qualified in the prescribed written test and viva voce, which are the pre-conditions for absorbing such surplus staff as Ticket Collector in Group 'C' posts.

6. Since the method of recruitment for a particular post is the administrative policy decision of the authority concerned, Court/Tribunal hardly interferes in such matters. It is for the concerned respondents to lay down the principles and rules on the basis of which selection to the post of Ticket Collector should be held and how the suitability test shall be conducted either by written or viva voce test or both.

7. In the aforesaid circumstances, we therefore direct the Competent Authorities to take a decision in this regard keeping in view the guidelines which have already been laid down by the N.F. Railway and such exercise shall be completed within a period of three months from the date of communication of the order. No costs". a

In view of the above, we being the Bench of similar strength are bound to follow the said order and judgement.

2. In view of the above, we disposed of present OA by issuing direction to the competent authority to take a decision about the absorption etc. of the applicants as noticed hereinabove, within a period of three months from the date of communication of this order. No costs.

3. In view of the fact that the OA has been disposed of, MA 481/2003 as well as MA 523/2002 require no further order.

(M.K. Misra)
Member (A)

(Mukesh Kumar Gupta)
Member (J)