

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:476/2000

DATE OF DECISION: 18.8.2000

Shri Durgaprasad Chaurasiya and others. Applicant.

Shri Rajurkar for Shri M.W. Harsulkar Advocate for
Shri S.P. Inamdar. Applicant.

Versus

The Union of India and others. Respondents.

Shri V.S.Masurkar. Advocate for
Respondents

CORAM

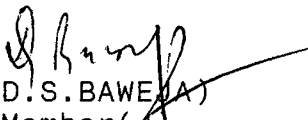
Hon'ble Shri D.S.Baweja, Member(A)

Hon'ble Shri S.L.Jain, Member(J)

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to other Benches of the Tribunal?

(3) Library.


(D.S. BAWEJA)
Member(J)

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO:476/2000

FRIDAY the 18th day of AUGUST 2000

CORAM: Hon'ble Shri D.S. Baweja, Member (A)

Hon'ble Shri S.L.Jain, Member (J)

1. Durgaprasad Chaurasiya
R/o Cosy-nook Apartments
Flat No.301 B
Lala Jainarayan Marg.,
Mohan Nagar, Nagpur.
2. R.K. Dahikar
R/o Kukde Layout,
Nagpur.
3. M.K. Chafekar
R/o Plot No.80,
Surendra Nagar,
RPTS Rd, Nagpur.
4. R.K. Sayalwar
R/o Vishwakarma Nagar,
Lane No.7, Nagpur.
5. Ramdas Motiram
R/o Manewada Road,
Opp.Gondsawana Garden,
Nagpur.
6. V.P. Ramteke
R/o New Dnyaneshwar Nagar,
Plot No. 46, Nagpur.
7. S.R. Pande.
Narendra Nagar, Nagpur. ...Applicants.

By Advocate Shri Rajurkar for Shri M.W. Harsulkar
Shri S.P. Inamdar.

V/s

1. Union of India through
General Manager,
Central Railway,
Mumbai CST.
2. Divisional Railway Manager,
Central Railway,
Nagpur. ...Respondents.

By Advocate Shri V.S. Masurkar.

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ORDER (ORAL)

{Per Shri D.S.Baweja, Member (A)}

This OA has been filed by seven employees who were working as Passenger Guard at Nagpur in Nagpur Division of Central Railway. The applicants being aggrieved by the order dated 30.6.2000 by which they have been transferred to Ajni. The contention of the applicants is that they have been regularly promoted as Passenger Goods and as per this order they have been reverted as Goods Guard and directed to work on Goods Trains. The present OA has been filed on 17.7.2000 seeking relief for setting aside the order dated 30.6.2000 and to direct the respondents not to disturb the present nature of their job as Passenger Guard.

2. The respondents have filed written statement and have stated that 12 posts of Passenger Guards have been declared as surplus at Nagpur. Therefore the competent authority has ordered that 12 employees which includes the applicants be posted at Ajni yard, which is just 4 km. away from Nagpur. It is further stated that the impugned order does not change their pay or seniority and it also does not affect the promotional avenue. Further there is ^{no} change of residence is involved in this posting. The respondents further bring out that some vacancies are likely to take place at Nagpur on account of retirement, resignation etc. and the applicants will be adjusted against these future vacancies as and when arises. In view of this the respondent's contention is that the administration has tried to help the applicants by making temporary local arrangement of posting them against the available vacancies at Ajni yard. The respondents therefore state that the applicants have no case and the OA deserves to be dismissed.

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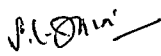
3. The applicants have filed rejoinder reply controverting the submissions made by the respondents.

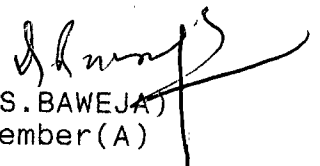
4. We have heard Shri Rajurkar for Shri M.W. Harsulkar alongwith Shri S.P. Inamdar for the applicant and Shri V.S. Masurkar counsel for the respondents.

5. The grievance which has prompted the applicants to file the present OA challenging the impugned order dated 30.6.2000 is that the applicants are regularly promoted as Passenger Guards and they cannot be transferred and posted as Goods Guard. The respondents have explained the reasons for issue of the impugned order dated 30.6.2000. The applicants have become surplus at Nagpur. It is not the case of the applicant that juniors of the them have been retained in Nagpur. The respondents have made out a case that keeping in view the likely arising vacancies due to retirement and resignation etc. at Nagpur the applicants have been temporarily adjusted in the nearby station at Ajni yard, so that they can be brought back to Nagpur in future vacancies as and when the same arise. The respondents further submitted that in case the applicants are not happy with the arrangement made, the applicants can be transferred and posted as Passenger Guard wherever the vacancies are available on the Division. On asking the counsel for the applicant whether this offer is acceptable, the learned counsel for the applicant confirmed that the applicants are ready to be posted anywhere in Nagpur Division as Passenger Guard against the vacancies. In view of this we are of the opinion that the OA can be disposed of by giving a direction to the respondents to consider the posting of the applicants against vacancies of Passenger Guard in the Division.

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6. In the result OA is disposed of with a direction to the respondents to post the applicants as Passenger Guard against the existing vacancies in Nagpur Division. Those of the applicants who are willing to continue at Ajni till the vacancies in future arise at Nagpur, may give their willingness within a period of one week from today and such applicants will be posted back at Nagpur as and when vacancies arise. The applicants who are posted anywhere in Nagpur Division against the existing vacancies will not have any claim of posting back at Nagpur and request^e for post^{ing} back will be governed by the extant Rules. No order as to costs. Interim relief dated 17.7.2000 stands merged with this order.


(S.L.JAIN)
Member(J)


(D.S.BAWEJA)
Member(A)

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