

80

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.736/95

Date of Order: 11.9.96

BETWEEN:

1. S.Gurumurthy
2. P.Danaiah
3. Md.Khaza
4. S.Ramu

.. Applicants.

AND

1. Union of India, rep. by its
General Manager, S.E.Rly.,
Garden Reach, Calcutta-43.

2. Divisional Railway Manager,
S.E.Rly., Visakhapatnam.

3. Sr.Divisional Mechanical Engineer,
S.E.Rly., Visakhapatnam.

.. Respondents.

Counsel for the Applicants

.. Mr.P.B.Vijay Kumar

Counsel for the Respondents

.. Mr.V.Bhimanna

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Heard Mr.Durga Rao, for Mr.P.B.Vijay Kumar, learned
counsel for the Applicants and Mr.V.Bhimanna, learned standing
counsel for the respondents.

2. There are 4 applicants in this OA. The applicants 1 & 2
are working as Grade-I Fitters and Nos.3 & 4 are working as
Khalasi Helpers. It is stated that they are working in
weights and measures wing under R-3. They were asked to work
in the C&W wing of the Visakhapatnam division. Resisting that
they filed representations. But from Annexure-1 letter it

.. 2 ..

looks that the carriage foreman was instructed that as no staff of weights and measures are required separately in the C&W cadres, the applicant may be utilised in the C&W wing.

3. This OA is filed praying for a direction to the respondents to continue them in weights and measures section without shifting them to other sections.

4. The first contention of the applicant is that they were posted to the weights and measures section and they are working in the said sections for the last 25 years. Hence shifting them to C&W sections is not warranted as there is enough work in the Weights and measures section to continue them in that section.

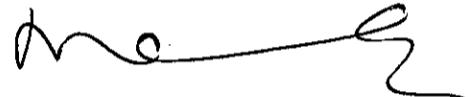
5. Though no reply has been filed, the learned standing counsel argued the case on the basis of the parawise remarks supplied to him by the respondents. It is stated that the weights and measures section is a part and parcel of the C&W section and hence they can be posted anywhere in the C&W wing. As the need for fitters and khalasi helpers was required in the C&W wing they were asked to discharge the duties of fitters and khalasi helpers in the C&W wing.

6. No document has been produced by the applicant to show that the seniority wing of weights and measures is different from that of C&W wing. As the applicants in this OA are fitters and khalasi helpers there may not be any difficulty for them to discharge the work as fitter in the C&W wing. As it is stated by the respondents that it is a combind cadre there is no bar to shift them to C&W wing in the same capacity. No document has been produced to show that the status or the emoluments of the applicants were brought down because of the shifting. Hence I find no grievance in this application for the applicants.

7. The second contention of the applicants appears to be they will loose TA and DA if they are posted to C&W wing. An employee cannot make such a grievance if he looses TA and DA. TA and DA cannot be claimed as a matter of right. TA and DA is paid for the journeys performed by them as per extent rules. These emoluments are not guaranteed ^{once}. It depends ^{also} on the location where they work. Hence this contention/cannot be upheld.

8. If view of what is stated above I find no merit in this OA. Hence the OA is dismissed as having no merit.

No costs.



(R.RANGARAJAN)
Member (Admn.)

Dated: 11th September, 1996

(Dictated in Open Court)

Amby 22/9/96
Dy. Registrar (Jud.)

sd

OA.736/95.

Copy to:-

1. The General Manager, S.E.Railways, Union of India, Garden Reach, Calcutta.
2. Divisional Railway Manager, S.E.Rly, Visakhapatnam.
3. Sr. Divisional Mechanical Engineer, S.E.Railway, Visakhapatnam.
4. One copy to Sri. P.B.Vijaya Kumar, advocate, CAT, Hyd.
5. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

Q.1/1962

09.736/95

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED:

11/9/96

ORDER/JUDGEMENT
R.A/C.P./M.A. NO.

D.A. NO.

736/95

ADMITTED AND INTERIM DIRECTIONS ISSUED.
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLKR

II COURT

No Spare Copy

