

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 17.10.95.

OA 81/95

Prem Prakash Sharma and 57 others

... Applicants.

Versus

Union of India and others

... Respondents.

CORAM:

HON'BLE MR. N.K. VERMA, MEMBER (A)

HON'BLE MR. PATTAN PRAKASH, MEMBER (J)

For the Applicants ... Mr. S. Kumar

For the Respondents ... Mr. Manish Bhandari

O R D E R

PER HON'BLE MR. N.K. VERMA, MEMBER (A)

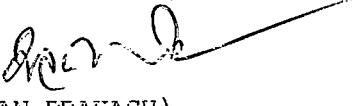
Heard Mr. S. Kumar, counsel for the applicants, and Mr. Manish Bhandari, counsel for the respondents. Though a reply in the matter has not been filed, Mr. Bhandari argued out that the OA is not maintainable. The applicants had been transferred to Carriage & Wagon Workshop, Ajmer, as a follow up of a joint decision made between the administration and the recognised Unions that staff who are found without any work consequent upon the abolition of the workshop at Jaipur due to the conversion to BG Line be sent to Ajmer and they will be maintained by a separate seniority list etc. and will have a separate identity. Those who had not opted for going out of Jaipur will be adjusted against vacancies available in Jaipur or the area covered by the Jaipur Division. The applicants, numbering 58 in this application, went to Ajmer without indicating any option that they would like to be posted at Jaipur or places nearabout Jaipur & have been working ever since the agreement was arrived at between the administration and the Unions.

2. An application was filed before this bench of the Tribunal in November, 1993, which was disposed of at the admission stage with a direction that as and when Wagon Repairs Workshop starts functioning at Jaipur, the applicants can make a representation to the authority and the representation will be considered by the authority on merits. The bench also said that there is no necessity to pass any order at this stage. Consequent upon this direction of the Tribunal, a number of applicants sent a representation dated 13.4.94 to the General Manager, Western Railways, seeking their repatriation to the Workshop at Jaipur, which was likely to be opened as per their information. Shri Bhandari categorically stated that though a policy decision has been

(6)

made to have a workshop opened at Jaipur, there has been no such initiation of action to establish or set up the workshop at Jaipur yet because of administrative problems. Besides, the action of filling up of the posts in the newly open workshop will have to be decided by the administration taking into account a number of considerations. So far as the applicants in the present OA are concerned, they have no right of repatriation to the workshop to be opened as they have closed their options. In view of this, the learned counsel for the respondents submitted that the case has no merits to be admitted.

3. Mr. Kumar was repeatedly asked by us to produce any evidence of any employee or any assurance given to the applicants for repatriation as and when any workshop was opened at Jaipur. Since he was not able to produce the same and the documents annexed with the OA do not indicate any such assurance, we fail to accept the pleas made by the learned counsel for the applicants and in view of the categorical statement of the learned counsel for the respondents that there is no Carriage & Wagon Workshop coming up in the near future at Jaipur, the OA is dismissed as premature and without any merit with no order as to costs.


(RATTAN PREAKASH)

MEMBER (J)


(N.L. VERMA)

MEMBER (A)