

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

C.A.No.177/97

Date of order: 09.2.2001

1. Govind Ram, S/o Sh.Kirti Ram, A/A
2. Ashok Kumar, S/o Shri Sunder Singh A/A
3. Narindra Kumar, S/o Shri Amrit Ram, A/A
4. Banna Singh, S/c Shri Lal Singh, A/A
5. Ramchander Singh, S/c Shri Khem Singh A/A
6. Dhalu Ram, S/o Shri Girdhari Singhji A/A
7. Madan Lal, S/c Shri Khemaji, A/A
8. Lala Ram, S/o Shri Panchuji
9. Mangi Lal, S/c Hariji
10. Rajendra Kumar, S/o Ramdeen
11. Bhagwati Prasad, S/c Nathu Lal
12. Shankar Lal, S/c Shri Shiv Karan
13. Jagdish Prasad, S/c Shri Pratap Shivji
14. Santosh Kumar, S/o Shri Shyam Sunder
15. Bhagwan, S/c Munishwar
16. Shankar Lal, S/o Shri Panna Lal
17. Kashu Lal Paliwal
18. Jagdish Chagan
19. Heera Lal, S/o Pemaji
20. Puran Mal Parmar
21. Shankar Lal RD

All applicants are working on the post of Senior Khalasi in Ajmer Division.

...Applicants.

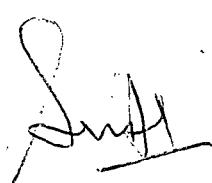
Vs.

1. Union of India through General Manager, Churchgate, Mumbai.
2. Divisional Railway Manager (Est), Western Railway, Ajmer Division, Ajmer.

...Respondents.

Mr. Shiv Kumar - Counsel for applicants

Mr. T.P.Sharma - Counsel for respondents.



## CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application under Sec.19 of the Administrative Tribunals Act, 1985, the applicants make a prayer to direct the respondents to consider the case of the applicant for absorption on the post of Diesel Assistant in pursuance to the policy laid down by the Head-quarters dated 2.8.96, with all consequential benefits.

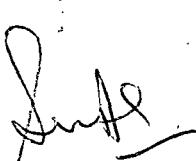
Facts of the case as stated by the applicant are that the applicants were employed in Steam shade in Ajmer and they were declared surplus in Ajmer Division and given the scale Rs.800-1150 on the post of Sr.Artisan Khalasi. It is stated that the applicants were given scale Rs.800-1150 under upgradation scheme w.e.f. 1.3.93 vide order dated 27.3.93. Later on the Head-quarter has also issued instructions that nonmetric Cleaners should also be declared eligible for the post of Diesel Assistant. Thereafter, in pursuance of order dated 2.8.96, respondent No.2 had issued order dated 18.10.97 to implement the order dated 2.8.96. It is stated that the applicants have given option in the light of the aforesaid order and they were waiting for the absorption on the post of Diesel Assistant but the respondents have not taken any action in respect of the applicants till date. Some of the applicants have filed representations to the respondents but with no result. Therefore, the applicants have filed this O.A for the relief as above.

  
3. Reply was filed. In the reply it is specifically stated that the applicants were already posted in Diesel side in 1992-93 on the post of Khalasi scale 750-940 and in this unit they have also

taken promotion in the scale 800-1150 vide order dated 27.9.93. Thus the applicants have not working in Diesel side (Maintenance cadre), therefore, at present they cannot claim promotion in running cadre. It is stated that the applicants were declared surplus in the scale Rs.750-940 and were subsequently posted in the same scale and they were promoted accordingly. Therefore, the action of respondents is within the frame work and confirmity of rules and there is no illegality and arbitrariness on the part of the respondents. It is made clear that the applicants while working in non-running category in the scale Rs.750-940 were declared surplus and subsequently they were absorbed and posted in the same scale of pay Rs.750-940, therefore, no absorption is required in the light of Head-quarters order dated 2.8.96 as the surplus staff of the scale 750-940 has already been absorbed. It is also made clear in the reply that the Head-quarters letter dated 2.8.96 is not applicable in the case of the applicants as the applicants have already been absorbed in equal grade, being surplus in the year 1992-93. and Head-quarters letter dated 2.8.96 is not applicable retrospectively. The applicants have already been promoted in the scale 800-1150 in the year 1993, therefore, no case is made out in favour of the applicants in the light of the Head-quarters letter dated 2.8.96 and the applicants have no case of interference by this Tribunal.

4. We have perused the averments made in the O.A and the reply filed by the respondents.

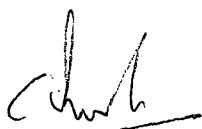
5. The applicants sought direction to the respondents to consider their case for absorption on the post of Diesel Assistant in pursuance of the policy laid down by the Head-quarters dated 2.8.96. After a perusal of the averments it could be established that the applicants were declared surplus in the scale 750-940 and were subsequently posted in the same scale and they have been promoted accordingly. Therefore, Head-quarters letter dated 2.8.96



is not applicable in case of applicants as this letter has no retrospective effect.

In view of the above the applicant has no case for interference by this Tribunal and this O.A is devoid of any merit is liable to be dismissed.

7. We, therefore, dismiss the O.A with no order as to costs.

  
(N.P. Nawani)

Member (A).

  
(S.K. Agarwal)

Member (J).