

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 18.10.2001

OA No.536/2000

1. Radha Raman s/o Shri Babu Lal at present working on the post of Senior Khalasi in the office of Chief Works Manager (WRS), W/Rly, Kota Division, Kota r/o Bapu Colony, near Railway Station, Kota Junction.
2. Phoram Singh s/o Tula Ram at present working on the post of Senior Khalasi in the office of Chief Works Manager (WRS), W/Rly, Kota Division, Kota r/o Loco Colony, Kota Junction.
3. Tota Ram s/o Shri Roop Singh at present working on the post of Senior Khalasi in the office of Chief Works Manager (WRS) W/Rly, Kota Division, Kota r/o Nanda Kante Wale Ka Makan, Shasti Colony, Gali No.6, Kota.

..Applicants

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. The Chief Works Manager, Wagon Repair Shop, Western Railway, Kota.
3. The Deputy Controller of Stores, Western Railway, Kota.

.. Respondents

Mr. P.V.Calla, counsel for the applicants

Mr. U.D.Sharma, counsel for respondents

CORAM:

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

Hon'ble Mr. A.P.Nagrath, Administrative Member

department i.e. Stores Department. We are not able to appreciate how the applicants could be aggrieved, if their seniority in their own cadre has remained intact. No employee can force himself into another cadre and another seniority unit. If one is keen to be absorbed in another cadre, the rules provide for making such a request which also entail that the employee making such a request has to accept bottom seniority in the unit in which he desires to be accommodated. The learned counsel for the applicant stated that in the parent cadre also some juniors have been promoted, but he has not been able to substantiate this by citing any instance or referring to any seniority list or making any alleged junior as a party respondent.

3. The requirement of staff in any organisation keeps changing because of various reasons like changes in the work pattern, introduction of new technologies or some particular activity becoming obsolete. In such a situation, if the requirement is curtailed, the net result is that some of the employees can be rendered surplus to the requirement of the Department. The Government has evolved various schemes to re-deploy the staff rendered surplus in one unit to another unit where the demand may be growing or where the vacancies may be available; even by imparting necessary training, if required. On the railways we understand the system provides for evolving strategies for re-deployment of staff in consultation with the recognised unions. There could be various methods of re-deployment like the staff rendered could be absorbed against vacancies of other department and while doing so, they may be given full seniority on the ground that the redeployment is on

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ORDER

Per Hon'ble Mr. A.P.Nagrath, Administrative Member

Applicants are Group 'D' employees of the Bharatpur Depot under the Deputy Controller of Stores and were in the grade of Senior Khalasi. By order dated 29.11.1996 (Ann.A/3) they were ordered to be re-deployed under the Chief Workshop Manager (WRS), Kota. As per the order of re-deployment, they were to retain their seniority in their original/Stores cadre, that is and when the vacancies become available in the stores department, the surplus employees will be adjusted against these. The applicants are aggrieved with this order on the ground that they have worked under Chief Workshop Manager (WRS), Kota ever since their re-deployment and they must be assigned seniority in Chief Workshop Manager unit only. Their plea is that in that unit their juniors have been promoted whereas they have been denied further advancement.

2. We have perused the records including the averments in the OA, the reply of the respondents and the order of re-deployment. We have not been able to discern anything from the order dated 19.11.1996 (Ann.R2/5) of the headquarters regarding re-deployment of the staff from Stores Depot, Bharatpur to Chief Workshop Manager (WRS) Kota and order dated 29.11.1996 (Ann.A3), which could be construed as infringing upon the rights of the applicants. Undisputedly, the applicants belong to Group 'D' cadre of Stores Department. They were rendered surplus and were re-deployed under Chief Workshop Manager (WRS) Kota. The order of re-deployment made it abundantly clear that they will continue to retain their seniority in their parent



department i.e. Stores Department. We are not able to appreciate how the applicants could be aggrieved, if their seniority in their own cadre has remained intact. No employee can force himself into another cadre and another seniority unit. If one is keen to be absorbed in another cadre, the rules provide for making such a request which also entail that the employee making such a request has to accept bottom seniority in the unit in which he desires to be accommodated. The learned counsel for the applicant stated that in the parent cadre also some juniors have been promoted, but he has not been able to substantiate this by citing any instance or referring to any seniority list or making any alleged junior as a party respondent.

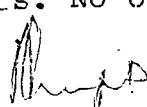
3. The requirement of staff in any organisation keeps changing because of various reasons like changes in the work pattern, introduction of new technologies or some particular activity becoming obsolete. In such a situation, if the requirement is curtailed, the net result is that some of the employees can be rendered surplus to the requirement of the department. The Government has evolved various schemes to re-deploy the staff rendered surplus in one unit to another unit where the demand may be growing or where the vacancies may be available; even by imparting necessary training, if required. On the railways we understand the system provides for evolving strategies for re-deployment of staff in consultation with the recognised unions. There could be various methods of re-deployment like the staff rendered could be absorbed against vacancies of other department and while doing so, they may be given full seniority on the ground that the redeployment is on

administrative grounds. In such a situation also the steps are taken to ensure that those already in the cadre in which the surplus staff is being absorbed, are not adversely affected in respect of their promotional prospects. There can be another method where, the staff rendered surplus may indicate their options for being absorbed in specified work areas and for such an absorption they have to make a request for change of cadre and while making such a request, they are required to give a declaration that in the event of their being absorbed in the cadre of their choice, they will ~~have to~~ accept ~~the~~ bottom seniority. Such a request can be made only for absorption in the grades in which direct recruitment, under the rules, is provided for. Yet an another method is by employing a group of staff rendered surplus en-block against the vacancies and requirements of another department, but this group continues to retain its seniority in the parent cadre from where they have been declared surplus. For so long as they are not adjusted against the vacancies in their own department, they continue to work against the vacancies of the other department where they have been redeployed, but they do not acquire any right to be absorbed in that department and to be placed in the seniority unit of that department as that would adversely affect the rights of the staff already in that department. Redeployment serves a very important public interest and in such a scenario the interest of the staff of the receiving department and the staff being redeployed have to be reconciled, in such a manner so as not to disturb adversely any of the groups. In the instant case, the surplus employees have been

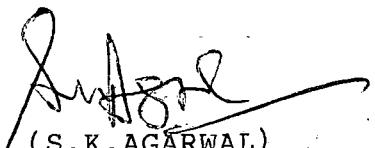


continued in the seniority list of their parent Department. In such a situation there can be no cause of grievance and we find this application as having no foundation. The learned counsel for the respondents brought to our notice orders dated 25.1.2001 (Ann.R2/1) and order dated 27.4.2001 (Ann.R2/2) by which applicants No. 1 and 2 have already been re-adjusted in their parent department. It is obvious that when further vacancy becomes available, applicant No.3 would also be similarly adjusted. We also see from the records that applicant No.1 had submitted a request dated 31.10.1998 for his transfer on long term basis under Chief Workshop Manager, Kota. By letter dated 30th March, 1999 (Ann.R2/8), the Chief Workshop Manager communicated his willingness to accept the application on his own request provided he gives a declaration of accepting bottom seniority in the recruitment grade. We find all these orders perfectly as per rules, which do not call for any interference of this Tribunal.

4. We, therefore, dismiss this OA as having no merits. No order as to costs.

  
(A.P. NAGRATH)

Adm. Member

  
(S.K. AGARWAL)

Judl. Member