

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.1027 of 2000

Jabalpur, this the 31st day of October, 2003

Hon'ble Shri M.P.Singh, Vice Chairman (A)
Hon'ble Shri G.Shanthappa, Judicial Member

1. Smt.Manisha Banjani W/o Hiralal Banjani, aged about 41 years Head Clerk.
2. R.U.Kazi S/o Z.N.Kazi aged about 39 years, Head Clerk.
3. Smt.Nutan Verma W/o Rajesh Verma, aged about 37 years, Head Clerk.
4. Smt.Vijaylaxmi Tiwari W/o P.K.Tiwari aged about 38 years, Head Clerk.
5. Anil Prabhakar Jhokkarkar S/o - aged about 41 years, Head Clerk.
6. Satyamitra Chouhan S/o R.Chouhan aged about 40 years, Head Clerk.
7. Ved Prakash Mishra S/o V.P.Mishra aged about 37 years, Head Clerk.
8. Smt.Sushma Yadav W/o Ajay Yadav aged about 38 years, Head Clerk.
9. Uma Kant Dubey S/o N.K.Dubey aged about 38 years, Head Clerk.
10. Ashok Kumar Sharma S/o Tulsiram Sharma, aged about 46 years, Head Clerk

All the applicants are working in the Office of Divisional Railway Manager, Bhopal (M.P.). - APPLICANTS

(By Advocate - Shri Alok Pathak)

Versus

1. Union of India through General Manager, Central Railway, Mumbai, C.S.T. (Maharashtra).
2. Divisional Railway Manager (P) Central Railway, D.R.M.'s Office, Habibganj, Bhopal (M.P.).
3. Shri P.K.Sharma, Head Clerk, Central Railway D.R.M.'s Office, Habibganj, Bhopal (M.P.).
4. Shri Jogesh Bhatara, Head Clerk, Central Railway, D.R.M.'s Office, Habibganj, Bhopal (M.P.) - RESPONDENTS

(By Advocate - Shri S.P.Sinha) for respondents 1 & 2)

ORDER

By M.P.Singh, Vice Chairman (A)-

Applicants 10 in number have filed this Original Application against the order dated 5.10.2000 (Annexure-A-4).

They have also sought a direction to quash the orders dated

Contd.....2/-

9.6.2000 (Annexure-A-2), 5.10.2000 (Annexure-A-4) and 6.11.2000 (Annexure-A-6) issued by the official-respondents.

2. The brief facts of the case are that the applicants are working as Head Clerks under the Senior Divisional Operating Manager and Senior Divisional Mechanical Engineer, Bhopal. Their main grievance is that private-respondents 3 and 4 who were Senior Clerks working in Commercial Branch under Senior Divisional (Commercial) Superintendent were promoted and appointed on adhoc basis as Head Clerk in excess of the existing vacancies in that department. One Smt. Usha Agrawal was also promoted as Head Clerk. She was reverted to the post of Senior Clerk vide order dated 23.12.1996. She had challenged that order in this Tribunal by filing O.A.No.41 of 1997. The said OA was disposed of by order dated 7.12.1999. The Tribunal quashed the order of reversion of Smt. Usha Agrawal. While passing the order, the Tribunal has also observed that "the question of adjustment of excess direct recruits may be considered by respondents in accordance with their policy and rules". As per the rule only 20% quota was prescribed for direct recruitment. However, the Bhopal Division which was formed in the year 1987 and being a new Division 20% quota of direct recruitment was exceeded. Since the Tribunal had observed that the question of adjustment of excess direct recruits may be considered in accordance with the rules and their policy, the respondents-railway authorities had adjusted respondents 3 and 4 in Operating and Mechanical Department against the direct recruit quota. It is also an admitted fact that there were direct recruitment vacancies in the Operating and Mechanical department against which respondents 3 and 4 were appointed.

3. It has been stated by the applicants that by induction of respondents 3 & 4 in their department, their seniority has adversely been affected, moreover this had been done without the permission of the competent authority viz. the General Manager. According to the applicants there

were no vacancies of direct recruitment. They have also submitted that the Tribunal in its order dated 7.12.1999 in the case of Smt. Usha Agrawal (supra) had not specifically directed that respondents 3 and 4 should be adjusted against the vacancy in Operating and Mechanical departments.


4. On the other hand the learned counsel of the respondents has submitted that the Bhopal Division was newly formed and the quota of 20% of direct recruitment could not be strictly adhered to. There were more than 20% persons recruited against the direct recruit quota. The Tribunal in its judgment had already made an observation that the excess direct recruits may be considered in accordance with the rules and the policy of the respondents. Since there were vacancies against direct recruit quota in Operating and Mechanical Department, respondents 3 and 4 have been adjusted against those vacancies. In any case the applicants are working against the promotion quota vacancies and their promotion would be made against the promotion quota vacancies. Their seniority in the grade of Head Clerk is not adversely affected in any way.

5. We have very carefully considered the submissions and pleas made by both the parties. We do not find any illegality or irregularity in the action on the part of the official respondents to induct respondents 3 & 4 in Operating and Mechanical department vide their order dated 5.10.2000 (Annexure-A-4). The respondent no. 4 has, however, been subsequently transferred from Mechanical to Electrical department, as stated by the respondents in para 4.10 of their reply. The respondent no. 4 has challenged the said order before this Tribunal in OA No. 988/2000. The Tribunal vide order dated 17.9.2002 has quashed the order of transfer of respondent no. 4. As such, the induction of respondent no. 4 in Mechanical Department has been upheld by the Tribunal.

6. In view of the aforesaid, this Original Application



is devoid of any merit and is accordingly dismissed, however, without any order as to costs.


(G. Shanthappa)
Judicial Member



(M.P. Singh)
Vice Chairman(A)


rkv.

पृष्ठान्त सं. १०/११ जयलपुर, दि.

- सं. १०/११ जयलपुर
- (1) सं. १०/११ जयलपुर
 - (2) सं. १०/११ जयलपुर
 - (3) सं. १०/११ जयलपुर
 - (4) सं. १०/११ जयलपुर
- सूचना एवं आवश्यक कार्रवाई हेतु

Alok Pathak, Adm.
S. S. Sinha, Adm.


6.11.03


6/11/03