

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, GWALIOR

Original Application No. 44 of 1999

Gwalior, this the 16th day of July 2003

Hon'ble Shri Kuldip Singh, Judicial Member
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

P.K. Shrivastava, Section Engineer,
Loco Shed, Central Railway,
Gwalior (M.P.).

... Applicant

(By Advocate - Shri R.G. Soni)

V e r s u s

1. Union of India, through General Manager, Central Railway, Mumbai CST.
2. Chief Mechanical Engineer (CONC) Central Railway, GM's Office, Mumbai CST.
3. Divisional Railway Manager, Central Railway, Jhansi.
4. Sr. Divisional Mechanical Engineer (O & C), D.R.M's Office, Central Railway, Jhansi.
5. Shri O.P. Anand, C.W.S. (Break Down) through Sr. Divl. Mechanical Engineer, Central Railway, Jhansi. ... Respondents

(By Advocate - Shri H.D. Gupta, with Shri A.K. Jataria, Sr. DME/JHS and Shri K.P. Khaddar, APO/Mech for official respondents)

O R D E R

By Anand Kumar Bhatt, Administrative Member -

In this OA the applicant has stated that he was rendered surplus due to shrinkage of steam loco shed. However, the persons who were junior to him in the cadre like respondent no.5 Shri O.P.Anand have been absorbed in other wings of the Indian Railways and have been promoted much earlier than the applicant. The relief sought is that the applicant should have been given seniority over Shri O.P.Anand or any other junior in the original cadre and he should be absorbed and promoted in any other department with the consequential arrears.

2. Heard the counsel from both the sides at length. The Senior Divisional Mechanical Engineer and the Assistant Personnel Officer from the DRM's Office were also present and they were also heard.

3. It was explained by the respondents that a large number of steam loco staff had ^{become redundant} ~~been rendered surplus~~ and the policy adopted by the Indian Railway was that the first juniormost person in the cadre would be accommodated in other departments. As the applicant was much senior to Shri O.P.Anand, respondent no.5, Shri O.P.Anand was first absorbed/transferred to other cadre in the department on availability of vacancy. Admittedly, Shri O.P.Anand was junior to the applicant and after his absorption in the C&W Department, he was promoted to next grade of Rs.2375-3500. However, this promotion of Shri O.P.Anand was in another department and in another cadre and, therefore, there is no ground for any grievance on the part of the applicant who continued in the original cadre. The applicant was not declared surplus and it was only on his willingness that he was posted to Rail Spring Karkhana (for short 'RSK'), Sitali for which orders were issued by the Headquarters but he was not accepted in RSK Sitali as there was no post available. It was also informed by the respondents that now the applicant has been promoted to the grade of Rs.2375-3500.

4. The contention of the applicant is that he has to be given seniority and has to be promoted with consequential benefits over Shri O.P.Anand and few other officials who were junior to him in the original cadre and were absorbed in other department.

5. We have considered the case. The policy adopted by the Indian Railway cannot be faulted with, where after the ~~redundant because of full or partial closure of steam loco deptt.~~ steam loco staff became ~~surplus~~ ^{surplus} they have been gradually absorbed in other department and the declaration of surplus and absorption in other department is from the juniormost person in the cadre. Once a person who gets absorbed in other

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department, gets promotion in the new department and cadre, is entirely a different matter and should not be a cause of grievance to the applicant. Now the applicant has also been promoted to the grade of Rs.2375-3500 and his main grievance has been redressed. We do not find any reason to interfere with the policy and the orders issued in regard to the applicant by the Indian Railway.

6. In the result, the OA is dismissed. No costs.

Anand Kumar Bhatt

(Anand Kumar Bhatt)
Administrative Member

Kuldip Singh

(Kuldip Singh)
Judicial Member

rkv.