

(14)

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL


09.05.2008

OA No.255/2006 with MA No.353/2006

Mr. C.B.Sharma, counsel for the applicant
Mr. Anupam Agarwal, counsel for respondents

It is a D.B.matter. Let the same be listed before
D.B.on 10.7.2008.

IR to continue till the next date.


(M.L. CHAUDHAN)
Judl.Member


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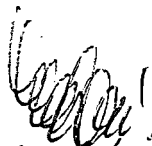
10/7/08

Mr. C.B. Sharma, counsel for applicant.
Mr. Anupam Agarwal, counsel for
resps.

Heard learned counsel for the
parties.

Shows for the reasons
dictated separately, the OA stands
disposed of.


(B.L. Khatri)
M.A.


(M.L. Chaudhan)
M.J.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 10th day of July, 2008

ORIGINAL APPLICATION NO.255/2006

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

Prem Nath,
Transportation Inspector,
Under Senior Divisional Operating Manager,
West Central Railway,
Kota Division,
Kota.

... Applicant

(By Advocate : Shri C.B.Sharma)

Versus

1. Union of India through
Through General Manager,
West Central Zone,
West Central Railway,
Jabalpur (MP).
2. Divisional Railway Manager,
West Central Railway,
Kota Division,
Kota.
3. Sr.Divisional Operating Manager,
West Central Railway,
Kota Division,
Kota.
4. Shri K.C.Dube,
Transportation Inspector,
West Central Railway,
Kota Division,
Baran.

... Respondents

(By Advocate : Shri Anupam Agarwal)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

The applicant has filed this OA thereby praying for the following relief :

- "i) That entire record relating to the case be called for and after perusing the same respondents may be directed to allow the applicant to work as Transportation Inspector in the scale of Rs.5500-9000 by quashing order dated 31.10.2005 (Ann.A/1) to the extent of applicant and respondent No.4 with all consequential benefits.
- ii) That the respondents may be further directed to allow the applicant to hold the respective post in parent cadre of Guard a per his present seniority and pay scale with all consequential benefits."

2. Briefly stated, the facts of the case are that the applicant while working on the post of Transportation Inspector (TI) at Baran has been posted as Station Master, Rabetha Road. This order has been passed under the garb of merger policy issued by the Ministry of Railways while conducting review of the cadre of Group-C & D category vide RBE No.177/03 dated 9.10.2003 (Ann.A/7). It may be stated that the applicant was initially appointed as Goods Guard. According to the applicant, he is entitled to hold the post of TI as he was duly selected to that post and also in view of the policy decision taken by the respondents vide Railway Board's order dated 9.10.2003 (Ann.A/7), more particularly when the post of TI is also lying vacant in the Kota Division. It is further averred that the original cadre of the applicant is Goods Guard and in any case he cannot be adjusted against the post of TI. In that eventuality, he may be sent to his parent cadre. For that purpose, the applicant has also made a representation dated 9.12.2005 (Ann.A/8) to the Senior Divisional Operating Manager, Kota (Respondent No.3). It is on the basis of ^{these} averments, the applicant has filed this OA thereby praying for the aforesaid relief.

3. Notice of this application was given to the respondents. The official respondents have filed their reply. No reply has been filed by respondent No.4. In the reply, the respondents have stated that the Railway Board, vide its letter dated 9.10.2003, had introduced the concept of multi skilling by merging the different categories while ~~taking~~ restructuring of Group-C and Group-D posts. Accordingly, the categories of SM/ASM/YM/TI has been merged into one unified cadre. The applicant being a substantive TI, has thus been posted as Station Master in the same scale and pay on administrative ground. It is further stated that not only it but vide Ann.A/10 he has been directed to join the training starting w.e.f. 5.7.2006. Thus, according to the respondents, submission made by the applicant that the impugned order has been passed in order to favour respondent No.4 is without any basis. Regarding change of cadre, the respondents have stated that after merger of the cadre of SM/ASM/YM/TI, ~~it stood as~~ ^{There exists} only one unified cadre of SM/ASM. Thus, according to the respondents, their action is in conformity with the policy decision dated 9.10.2003.


4. The applicant has filed rejoinder thereby reiterating the submissions made in the OA.

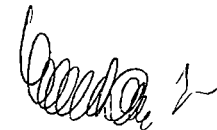
5. We have heard learned counsel for the parties and gone through the material placed on record. From the facts stated above, it is clear that the Railway Board issued a circular dated 9.10.2003 (Ann.A/7), by which certain Group-C and Group-D category have been restructured. Here, we are concerned with para 10.1. Vide para 10.1 of the said letter it was decided to merge the cadre of SM/ASM/YM/TI into one unified cadre of SM/ASM. In this case, the applicant has not challenged the validity of para-10.1 of the OM dated 9.10.2003. His only grievance is that he has been transferred in the unified cadre of SM/ASM only to favour respondent No.4. Such a contention of the applicant cannot be accepted as, admittedly, in terms

of para 10.1 of the aforesaid OM, the cadre of SM/ASM/YM/TI has been merged into one unified cadre of SM/ASM. Further, as per the provisions contained in para 10.1 the persons performing the Inspectorial job will retain their designation as applicable to Traffic Inspectors but at a later stage, when they are made fully equipped to discharge all the functions hitherto being discharged by SMs/ASMs/YMs & TIs, ~~administration will have the flexibility to post~~ a person as per the administrative requirement. In the instant case, in order to achieve the aforesaid object, the official respondents have sent the applicant for training so that he is equipped with necessary skills and functions through training and development. Once the cadre has been merged and unified, the grievance of the applicant that he should be allowed to function as TI cannot be accepted.

6. So far as the alternative prayer of the applicant that he may be allowed to work in his parent cadre of Guard as per the present seniority and pay scale, from the material placed on record it is evident that the applicant has filed representation before respondent No.3 (Ann.A/8), which is still pending. Whether such prayer of the applicant can be accepted at this stage is a matter to be decided by the administration. Accordingly, without giving any finding on this point, we think it proper to issue appropriate direction to respondent No.3 to decide the representation of the applicant dated 9.12.2005 (Ann.A/8) by passing a reasoned and speaking order. Such a decision will be taken within a period of two months from the date of receipt of a copy of this order.

7. With these observations, the OA stands disposed of. No order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)