

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

5.3.2008

OA 72/2008 with MA 59/2008

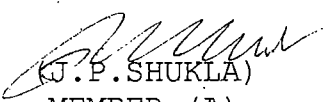
Mr. Shailendra Srivastava, counsel for applicants.


The applicants have moved MA 59/2008 thereby praying for joining together and for permission to file a joint applicant.

In view of the averments made in the MA, the MA is allowed and the applicants are permitted to file a joint application.

MA stands disposed of accordingly.

Heard learned counsel for the applicants in the OA. The OA stands disposed of, at admission stage itself, by a separate order.


(K.J.P. SHUKLA)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 5th day of March, 2008

ORIGINAL APPLICATION NO.72/2008

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.J.P.SHUKLA, ADMINISITRATIVE MEMBER

1. Naveen Mahune, Cleaner in C&W Department of Jaipur Division, NWR, Jaipur.
2. V.Babu, Cleaner in C&W Department of Jaipur Division, NWR, Jaipur.
3. Vinod Kumar, Cleaner in C&W Department of Jaipur Division, NWR, Jaipur.
4. Kaushlendra Sagar, Cleaner in C&W Department of Jaipur Division, NWR, Jaipur.
5. Kamlesh Kumar, Cleaner in C&W Department of Jaipur Division, NWR, Jaipur.
6. Om Prakash B, Cleaner in C&W Department of Jaipur Division, NWR, Jaipur.
7. Suresh Chandra, Cleaner in C&W Department of Jaipur Division, NWR, Jaipur.
8. Banwari Lal, Cleaner in C&W Department of Jaipur Division, NWR, Jaipur.
9. Trilok Kumar, Cleaner in C&W Department of Jaipur Division, NWR, Jaipur.
10. Hanuman Sahai, Cleaner in C&W Department of Jaipur Division, NWR, Jaipur.

... Applicants

] (By Advocate : Shri Shailendra Srivastava)

Versus

1. Union of India through
General Manager,
North Western Railway,
Hasanpura,
Jaipur.

2. Divisional Railway Manager,
Jaipur Division,
North Western Railway,
Jaipur.
3. Sr.Dvl.Mechanical Engineer,
Jaipur Division of
North Western Railway,
Jaipur.
4. Chief Depot Officer (CDO),
Jaipur Division of
North Western Railway,
Jaipur.

... Respondents

(By Advocate : - - -)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

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

- "(a) That this Hon'ble Tribunal may graciously be pleased to quash and set aside the impugned order dated 21.12.07 (Ann.A/1) by which respondent No.4 has changed duty list of the petitioners to the extent of humiliating effect without any competence in this regard.
- (b) It is further prayed that respondents may be directed to produce duty list of both Sweeper and Cleaner which was in force in the C&W department earlier to the issuance of impugned order.
- (c) Apart from that respondents may be directed to honour the decision agreed upon between the Administration and the bearer of the union in this regard.
- (d) Respondents may be directed to dispose of the representation of the petitioners."

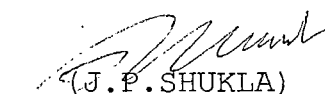
2. In sum and substance case of the applicants is that they have been engaged as Cleaner, they are permanent employee of the Railway and have been discharging the duties entrusted to them. Grievance of the applicants is that the respondents are threatening them to perform the duty of Sweeper, which they are not legally expected to perform.


3. Learned counsel for the applicants has drawn our attention to the letter dated 13.2.2008 (Ann.A/3), whereby proceedings of the PNM Meeting have been enclosed, which clearly indicate that the work of toilet cleaning and grooming shall not be taken from the Cleaners. Learned counsel argued that despite this decision the respondents are forcing the applicants to perform the duty of a Sweeper.

4. From the material placed on record it is also evident that the applicants have made a representation dated 18.2.2008 (Ann.A/4) to respondent No.2, which has not yet been disposed of. Since the representation of the applicants is pending consideration before respondent No.2, without entering into the merit of the case we are of the view that it will be in the interest of justice if a direction is given to respondent No.2 to decide the aforesaid representation of the applicants taking into consideration the proceedings of PNM Meeting, as enclosed vide letter dated 13.2.2008 (Ann.A/3), and pass a reasoned and speaking order within a period of four weeks from the date of receipt of a copy of this order.

5. It is expected that the respondents will ask the applicants to perform the duties as were being discharged by them. *till the disposal of their representation.*

6. With these observations, the OA stands disposed of at admission stage itself with no order as to costs.


(J.P. SHUKLA)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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