

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 29th day of January, 2010

ORIGINAL APPLICATION NO. 573/2009

CORAM:

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

1. Durga Lal Meena son of Shri Kanhiya Lal Meena aged about 25 years, working as Diesel Assistant, North Western Railway, Bandikui, under Crew Controller Bandikui, resident of Behind Vinod Oil Mill Outside Railway Phatak, Jaipur Road, Chanda Colony, Dausa.
2. Ram Kishore Meena son of Shri Kishan Meena, aged about 26 years, working as Diesel Assistant, North Western Railway, Bandikui, under Chief Crew Controller Bandikui, resident of E & T 128-A Railway Loco Colony, Jaipur.

.....APPLICANTS

(By Advocate: Mr. Nand Kishore)

VERSUS

1. Union of India through General Manager, North Western Railway, Hasanpura Road, Jaipur.
2. Divisional Railway Manager, North Western Railway, Power House Road, Jaipur.
3. Senior Divisional Mechanical Engineer (Power), North Western Railway, Power House Road, Jaipur.

.....RESPONDENTS

(By Advocate: Mr. V.S. Gurjar)

ORDER (ORAL)

The applicants have filed this OA thereby challenging the order dated 08.12.2009 (Annexure A/1) whereby they were posted under Bikaner Division on the ground of being junior most selected candidates. The case of the applicants is that they were selected as Diesel Assistant Loco Pilots after due selection and thereafter they

ld

were sent for training. It is further the case of the applicant that respondents took steps to re-distribute the posts of Loco Pilots and for that purpose a separate order was issued whereby 31 persons who were selected against Jaipur Division vacancies were required to perform duty in Bikaner Division. For that purpose, a decision was taken by the respondents that only 31 junior persons will be asked to perform the duty temporarily at Bikaner Division whereas other persons will be permitted to join at Jaipur Division. According to the learned counsel for the applicant in the light of the aforesaid decision, the respondents have issued an order dated 18.11.2009 (Annexure a/6) whereby the applicants were asked to join the post in Jaipur Division at the station mentioned in the said order. However, vide impugned order, the respondents have superseded the order dated 18.11.2009 and now passed a fresh order dated 08.12.2009 (Annexure A/1) whereby the applicants who have joined at Bandikui station have been further transferred to Bikaner Division and have been asked to report for duty there. According to the applicants since they are senior as per merit obtained by them from the Zonal Training School, Udaipur, as such they cannot be treated as junior persons and further asked to report to duty at Bikaner Division.

2. Notice of this application was given to the respondents. The respondents have filed their reply. The stand taken by the respondents in the reply is that the seniority has to be maintained as per the panel position and not on the basis of the merit obtained by the candidate at the time of the training.

3. We have heard the learned counsel for the parties and have gone through the material placed on record. Since the matter pertains to interpretation of rules and instructions issued by the Railway Board, as such without going into merit of the case whether the seniority for the purpose of transfer has to be maintained as per the panel position or as per the merit obtained during the course of training, we are of the view that ends of justice will be met if the direction is given to the General Manager to take conscious decision in the matter. Accordingly, the present OA shall be treated as representation on behalf of the applicant and the General Manager is directed to consider the same and pass reasoned & speaking order. Till such decision is not taken, the respondents are directed to maintain status quo qua the applicants as of today. Needless to add that in case the applicants are aggrieved by the order to be taken by the General Manager, it will be open for them to file substantive OA.

4. With these observations, the OA is disposed of with no order as to costs.

DLK
(B.L. KHATRI)
MEMBER (A)

MC
(M.L. CHAUHAN)
MEMBER (J)

AHQ