CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 21.04.2015

OA No. 668/2013

Mr. C.B. Sharma, counsel for applicant.
Mr. M.K. Meena, proxy counsel for
Mr. Dinesh Pathak, counsel for respondents.

Heard learned counsels for the parties.

O.A. is dismissed by a separate common order on the separate sheets for the reasons recorded therein.

(R. RAMANUJAM)
ADMINISTRATIVE MEMBER

(JUSTICE HARUN-UL-RASHID)
JUDICIAL MEMBER

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 380/2013
WITH
MISC. APPLICATION NO. 260/2013,

ORIGINAL APPLICATION NO. 668/2013
&
ORIGINAL APPLICATION NO. 689/2013

DATE OF ORDER: 21.04.2015

CORAM

HON'BLE MR. JUSTICE HARUN-UL-RASHID, JUDICIAL MEMBER
HON'BLE MR. R. RAMANUJAM, ADMINISTRATIVE MEMBER

OA No. 380/2013 with MA No. 260/2013

1. Rakesh Sharma S/o Shri Prem Chand Sharma, aged about 56 years, R/o Quarter No. 1677/B, Railway Colony No. 2, Circular Road, Ajmer and presently working as Head Typist (Operating Section) Office of Divisional Railway Manager, North Western Railway, Ajmer.
2. Km. Padma Bhurani D/o Shri Gulab Rai Bhurani, aged about 51 years, R/o House No. 113/17, Moodri Mohalla, Ajmer and presently working as Office Superintendent (Typist) (Commercial Section) Office of Divisional Railway Manager, North Western Railway, Ajmer.
3. Arvind Kumar Sharma S/o Shri Prem Prakash Sharma, aged about 53 years, R/o House No. 1176/25, Isai Mohalla, Opp. Old Radha Swami Temple, Ajmer and presently working as Head Typist (Mechanical Section) Office of Divisional Railway Manager, North Western Railway, Ajmer.

...Applicants

Mr. C.B. Sharma, counsel for applicants.

VERSUS

1. Union of India through General Manager, North Western Zone, North Western Railway, Near Jawahar Circle, Jagatpura, Jaipur.
2. Divisional Railway Manager, North Western Railway, Ajmer Division, Ajmer

...Respondents

Mr. M.K. Meena, counsel for respondents.

OA No. 668/2013

Balbeer Singh S/o Shri Harmander Singh, aged about 47 years, R/o 5/628, Near Gurudwaragang, Ajmer and presently working as Head Typist (Union Cell) Office of Divisional Railway Manager, North Western Railway, Ajmer.

...Applicant

Mr. C.B. Sharma, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Zone, North Western Railway, Near Jawahar Circle, Jagatpura, Jaipur.
2. Divisional Railway Manager, North Western Railway, Ajmer Division, Ajmer

...Respondents

Mr. M.K. Meena, proxy counsel for
Mr. Dinesh Pathak, counsel for respondents.

OA No. 689/2013

1. Mukesh Kumar Kharadia S/o Shri Mahadev Prasad, aged about 52 years, R/o 213/13-B, Sai Vihar Colony, Gulab Bari, Ajmer and presently working as Office Superintendent Typist (Electrical Section) Grade-I, Office of Divisional Railway Manager, North Western Railway, Ajmer.
2. Sayayad Jiya-Ur-Rahaman S/o late Shri Sayad Mahamud Rahaman, aged about 55 years, R/o House No. 1561-C, Railway Quarter, Railway Colony No. 2, Circular Road, Ajmer and presently working as Office Superintendent Typist (E.T. Section) Grade-I, Office of Divisional Railway Manager, North Western Railway, Ajmer.
3. Devendra Kumar Sharma S/o Shri Suraj Narayan Sharma, aged about 56 years, R/o House No. 956/45, Ramdev Vihar Colony, Near Ramdev Mandir, Gulab Bari, Ajmer and presently working as Office Superintendent Typist (E.M. Section), Grade-II, office of Divisional Railway Manager, North Western Railway, Ajmer.

...Applicants

Mr. C.B. Sharma, counsel for applicants.

VERSUS

1. Union of India through General Manager, North Western Zone, North Western Railway, Near Jawahar Circle, Jagatpura, Jaipur.
2. Divisional Railway Manager, North Western Railway, Ajmer Division, Ajmer

...Respondents

Mr. M.K. Meena, proxy counsel for
Mr. Dinesh Pathak, counsel for respondents.

ORDER (Oral)

Shri C.B. Sharma, learned counsel for the applicants submits that similar facts and question of law are involved in O.A. No. 380/2013 (Rakesh Sharma & Ors. vs. UOI & Anr.), OA No. 668/2013 (Balbeer Singh vs. UOI & Anr.) and OA No. 689/2013 (Mukesh Kumar Kharadia & Ors. vs. UOI & Ors.), therefore, at the request of learned counsel for the applicants, they were heard together and they are being disposed of by this common order. For the sake of convenience, the facts of O.A. No. 380/2013 (Rakesh Sharma & Ors. vs. UOI & Anr.) are being taken as a lead case.

2. The relief sought for in O.A. No. 380/2013 (Rakesh Sharma & Ors. vs. UOI & Anr.) are:

> "(i) that the respondents be directed "not to assign clerical work in addition to typing work to applicants by deleting such orders passed in order dated 08.04.2013 (Annexure A/1)" and order dated 08.04.2013 may be quashed and set aside to the extent of that applicants will also perform clerical work

in addition to typing work with all consequential benefits,

(ii). Further direction to the respondents has been sought by the applicants is that "not to disturb the applicants from the present position of typist and maintain promotional channel as per cadre of typist and to assign only work of typist with all consequential benefits."

3. The applicant no. 1 became Head Typist in the year 2001 and thereafter allowed grade pay Rs. 4600 in pay band Rs. 9300-34800 in January 2011 under MACP Scheme. Applicant no. 2 became Head Typist in the year 1996 and Office Superintendent Typist in the year 2007 and got Grade Pay Rs. 4600. Applicant No. 3 became Head Typist in the year 2001 and thereafter allowed grade pay Rs. 4600 in January 2001 under MACP Scheme.

4. The applicants are aggrieved by the order dated 08.04.2013 (Annexure A/1) by which after restoring posts of typists in the grade pay Rs. 4200 & 4600 posted in different sections with the direction that in addition to typing work they will also carry out work relating to clerical allotted by the Section Officer concerned in spite of the fact that applicants are recruited in the typist cadre and further promoted by way of prescribed channel of promotion and never performed duties of clerical staff. The contention raised by the applicants is that they should not be directed

to do clerical work or any other work of ministerial nature unless their seniority is first determined.

5. Learned counsel for the applicants contended that because the respondent at one stage surrendered the post of higher grade of typist, but not succeed due to Railway Board orders, which provides surrender of posts in lower scale and post in lower scales in typist cadre not available. So they surrendered the posts in lower clerical cadre and posted the applicant against them by re-designation of post as typist cum clerk and further assigned the clerical work, which is not just and proper.

6. Learned counsel for the respondents drew our attention to Annexure A/1, A/3, A/6 and A/7 orders and stated that the aforesaid orders derives from the authorities conferred by the General Manager to make such adjustments. Neither the pay scale nor the promotional avenues available for the typists are being adjusted against different posts nor has been disturbed in the process. The respondents submit that the seniority of the applicants and similarly placed persons for further promotions as per the cadre of typist has not been interfered with.

7. Learned counsel for the respondents submits that the Annexure A/1 order dated 08.04.2013 was issued by the competent authority in compliance to the RBE circular No.

58/93 dated 07.04.1996 and RBE No. 118/92 dated 17.07.1992, Annexure R/1 and R/2, respectively. By placing reliance upon the Annexure R/1 and R/2 circulars, it is submitted that work study was conducted by HQ office, NWR, Jaipur. After the work study conducted, all the posts of typists working in NWR Zone are advised to surrender due to introduction of computers and most of the ministerial staff are working in computers and many of the manual activities and paper exercises of typing have reduced considerably. Learned counsel for the respondents also submits that keeping in view on the effect on transfer & promotion effect of all typists the posts which earlier surrendered vide order dated 08.01.2013 was restored vide order dated 08.03.2013 by surrendering the post of clerks.

8. The respondents have also produced the working report of the applicant nos. 1 to 3 which are Annexure R/3 to R/5. In Annexure R/3 at page 2 running page 48, it is stated that Shri Rakesh Sharma, Head Clerk has only work of typing of two letters every day. It has also been pointed out that typing work of Shri Rakesh Sharma is repetition of work and only one new letter is typed every day. This clearly shows that there is no adequate work for typists either for whole day or even for a half day.

9. Attention is drawn to Annexure R/1 RBE No. 58/93 which is regarding merger of cadre of typists with clerical

cadre. It is stated that keeping in view the progressive taking over of typing work by future recruits to the category of Clerks whose annual in-take may sometimes equal the total no. of typists in a unit, and also introduction of various copying machines and other electronic equipment resulting in reduction of the overal typing work the workload for the remaining typists is expected to come down considerably. It is further stated that the category of typists would be vanishing in due course and that in view of this, the Railway Board desire that the Zonal Railway Administration besides transferring the vacancies of typists in the lowest grade to the category of Clerks as required, may review the overall position and may assign to the existing typists suitable Ministerial work in addition to the typing work. It is clear from Annexure R/1 RBE No. 58/93 that in view of the reasons stated above, the department reviewed the overall position and decided to assign to the existing typists suitable Ministerial work in addition to the typing work.

10. We also noticed that Annexure R/1 RBE Circular No. 58/93 was issued on 07.04.1993. The applicants have never even attempted to challenge the said Circular dated 07.04.1993 at any point of time. They have not challenged the said circular even in the present O.A. and the prayer is not to assign them any other work other than the work of typing and they should not be directed to perform the clerical work. The intention of the applicants is that they will

do the typing work only and they wanted the Tribunal to interfere in the matter for not disturbing the applicants from the present posting of typists. We are unable to accept the contentions raised by the learned counsel for the applicants. In the exigencies of service, in the proper course of administration, it has become necessary for the respondents to make certain restructuring. In such circumstances, we do not find any reason to interfere with the impugned orders. There is no reason to grant relief sought for in the O.A. by the applicants.

11. Consequently, all the Original Applications being devoid of any merit are dismissed. The interim relief granted in favour of the applicants in the OAs are vacated forthwith. The Misc. Application for vacation of interim relief is also disposed of accordingly. There shall be no order as to costs.

12. The Registry is directed to place certified copies of this common order in OA No. 668/2013 (Balbeer Singh vs. UOI & Anr.) and OA No. 689/2013 (Mukesh Kumar Kharadia & Ors. vs. UOI & Ors.).

(R. RAMANUJAM)
ADMINISTRATIVE MEMBER

(JUSTICE HARUN-UL-RASHID)
JUDICIAL MEMBER

Kumawat