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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 2437 OF 2003

New Delhi, this the 3rd day of March, 2004

HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

1. Farid Ahmad,
S/o Sh. Khali,
R/o Mohammadabad,
PO: Bijaura,
Distt. Jyotirba Fulley Nagar,
UP.
 2. Kanwar Pal,
S/o Sh. Ram Kishan,
R/o Near Garh Mukteshwar Railway Station,
Ghaziabad(UP).
-Applicants
- (By Advocate: Shri U.Srivastava)

Versus

1. Union of India
through
The General Manager,
Northern Railway,
Baroda House,
New Delhi.
 2. The Divisional Railway ;Manager,
Northern Railway,
Muradabad,
UP
 3. The Asstt. Divisional Engineer,
Northern Railway,
Hapur
-Respondents
- (By Advocate : Shri Rajinder Khattar)

ORDER (ORAL)

It is stated by the applicants that both of them were earlier engaged as Helper Khallasis. The applicants' ^{names} were included in the list (at Sl.No.24 and Sl.No.18) of employees who were identified as surplus. Such persons were considered for adjutment and redeployment against other posts. By letter dated 8.3.2003 (Annexure-A4) the Applicant No.1 (Shri Farid Ahmed) was called for interview. The Applicant No.1 also made a request vide his applicatinn dated 11.3.2003 (Annexure-A5) for being posted as Trolley

Ch. B. Singh

Man at Gajraula where there was a vacancy. Similarly, Applicant No.2 Shri Kunwar Pal was also considered and found medically fit. Therefore, he was relieved by order dated 9.4.2003 (Annexure-A6) to join as Trolley Man. Subsequently they were appointed as Trolley Man in the pay scale of Rs.2650-4000/-. The learned counsel stated that both these applicants who were earlier working as Helper Khalasis were redeployed and absorbed as Trolley Man. They had undergone selection and medical examination. Thereafter they were regularly working as Trolley Man. Therefore, the impugned order came as surprise to them. The learned counsel further stated that though the applicants were "returned back" as Khalasis from the post of Trolley Man, they joined the duties as Khalasis. However, at the time of hearing this application, the applicants are even denied the job of Khalasis. It was, therefore, urged that the respondents be directed to take the applicants as Trolleyman. The grievance of the applicants is that by the impugned order dated 21.8.2003 (Annexure-A1) they are being returned back as Helper Khalasis without any reason.

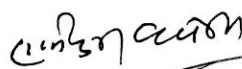
2. The respondents have filed reply wherein it has been stated that the OA is mis-conceived in as much as the applicants were "transferred erroneously by an order which has been issued without jurisdiction and thus as per law is without any force. The order is void abinitio and thus cannot be made a basis for a cause of action. The respondents have further submitted that the matter is under consideration of the respondents. It is further submitted by the learned counsel that there is no change in the pay

A. B. Sharma

scale or the place of posting. Therefore, the grievance made in this OA is mis-conceived and this OA deserves to be dismissed.

3. The matter is being disposed of at the admission stage in view of the statements made by the respondents in the reply that "the whole issue is under consideration of the respondents, in that case the grievance made by the applicants is misconceived. There is no change in the pay scale or the place of posting. The only grievance is that the applicants are being returned back from Trolleyman to Helper Khallasis in the same pay scale of Rs.2650-4000/-. Since the matter is still under consideration of the respondents, this OA is accordingly disposed of at this stage with direction to respondents to take a final decision in the matter pertaining to the applicants within a period of two months from the date of receipt of a copy of this order.

4. Subject to above, this OA is disposed of without any order as to costs.



(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER

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