

A. K. Sinha and Others

Vs

Union of India and Others

Civil Appeal No. 1536-41 of 1987

(Ranganath Misra, M. M. Dutt JJ)

30.07.1987

ORDER

1. Special leave granted.
2. Heard counsel for the appellants in each of these cases as also the counsel for the Union of India representing respondents.
3. The dispute in this bunch of appeals has been adjudicated by the Calcutta Bench of the Central Administrative Tribunal and that decision is challenged. The South Eastern Railway authorities have started implementing a scheme of rationalisation of a category of its services covering Station Masters and Assistant Station Masters and the manner in which it is being done has been challenged as arbitrary, illegal and prejudicial.
4. Two out of the many contentions advanced need not be noticed viz., (1) the Chief Personnel Officer while implementing the scheme has deviated from the terms thereof and has implemented it to the prejudice of the appellants, (2) the scheme is being implemented in such a manner that the present status and emoluments admissible to the appellants are going to be affected to their prejudice. The learned counsel for the respondents does not accept these to be correct and is prepared to have these aspects examined by the railway administration. There shall, therefore, be a direction to the Railway Board to examine within a period of two months from today as to whether the allegation of the appellants on the first score is correct and if the Chief Personnel Officer is found to have implemented the scheme in a way different from what was intended by the scheme, the Board shall rectify the situation to bring it in accord with the scheme. Coming to the other aspect, it is conceded that the scheme does not affect the present emoluments or status of the appellants. We, therefore, make it clear that in implementing the scheme the appellants shall not be affected in respect of their status as well as the scale of pay which they have been receiving at present. In course of complying with the present direction if the Railway Board finds that some incumbents who should not have been entitled to certain advantages but have wrongly got them in course of implementation of the scheme they may not be disturbed as we have not given them an opportunity of hearing. Yet, if all or any of the appellants are entitled to such benefits, the same way not be withheld for lack of posts. It would be for the railway administration to meet such a situation. Until the Board examines the matter as directed status quo as existing today shall continue.
5. No order as to costs.

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