

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA**

O.A./350/01134/2023

Date of hearing : 03.04.2024

Date of Judgment : 19.04.2024

Coram: Hon'ble Mr. Suchitto Kumar Das, Administrative Member

In the matter of :

1. **Indrajit Choudhary & Ors.**
2. Subash Basak
3. Sunil Kumar
4. D. P. Gupta
5. Vinod Kumar
6. Anuj Kumar
7. Rosart Topno
8. Sontosh Kujur
9. Pravin Kumar Mondal
10. Sanjib Das
11. Arbind Kumar
12. Anirban Tarafder
13. T. Bhattacharjee
14. S. K. Sharma
15. S. K. Karan
16. Sujit Kumar
17. Gonesh Chokroborty
18. Prashant Kumar
19. Prasanta Kumar Modak
20. Vijay Kumar Sinha
21. Kamal Das
22. Dhananjoy Kumar Panday
23. Amit Kumar Singh
24. C. S. Kumar
25. J. Roy
26. Awadhesh Kumar
27. Sanoj Kumar Singh
28. Uday Kumar

... Applicants

-Vs-



1. Union of India service through the General Manager/N.F. Railway/ Maligaon (Assam), Pin- 781011.
2. Director Establishment (N), Railway Board/ New Delhi- 110001.
3. Pr. Chief Operating Manager/ North East Frontier Railway, Maligaon (Assam), Pin- 781011.
4. Principal Chief Electric Engineer/ North East Frontier Railway, Maligaon (Assam), Pin- 781011.
5. Chief Public Transport Manager/ North East Frontier Railway, Maligaon (Assam), Pin- 781011.
6. Chief Personal Officer/ North East Frontier Railway, Maligaon (Assam), Pin- 781011.
7. Divisional Railway Manager/ N.F. Railway/. Katihar, Pin- 854105.
8. Divisional Railway Manager/ APDJ/Katihar, Pin- 854105.
9. Divisional Operating Manager/ Katihar, Pin- 854105.
10. Divisional Operating Manager/ APDJ/Katihar, Pin- 854105.

.....Respondents

For The Applicant(s):

Mr. P. C. Das, Counsel

Mr. A. K. Paul, Counsel

For The Respondent(s):

Mr. K. N. Bhattacharyya, Counsel

ORDER

Per: Hon'ble Suchitto Kumar Das, Administrative Member

The applicants have approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:

“i) Order/orders for set aside the order issued by Dy. CME (O&F)/MLG for New Crew Link Diagram base at NJP staffs which effect staffs working under Katihar Division at NJP crew against BOS.



ii) Order/orders to Respondents no. 3 & 7 not to effect the new Link Diagram, which effect the NJP/SGUJ Crew staff, other side misuse of Govt. Exchequer for created new staff from other division.

iii) Order/orders to view and suggestion of Govt. Union & conclusion of the Minutes not to be effect the WTT-94, in the interest of Principal of natural justice to existing NJP base Crew Link for better Train running of Existing NJP Crew base staffs.

iv) The Letter dated 13.06.2023 bad in rule and law, it is Unlawfully favour to Other Division Staffs, when there is no vacancy for utilized the staffs at NJP Crew of Katihar Division hence transfer of other division staff utilize at NJP crew lobby bad-in-law to be set aside.

v) To pass such order/orders as the Hon'ble Court may deem fit and proper to end of justice."



2. This matter is taken up by Single Bench, in view of the revised list dated 04.04.2000 issued under Sub-section (6) of Section 5 of the Administrative Tribunals Act, 1985, as no complicated question of law is involved in this matter, with the consent of both the parties.

3. This is a very badly worded application. It is almost impossible to comprehend either the facts of the case or the grievance of the applicants. An attempt has however been made to delineate the case of the applicants on the basis of the oral arguments, the rejoinder and the reply by the respondents.

4. The applicants are running staff under Katihar Division of North East Frontier Railway (NFR) based at New Jalpaiguri (NJP). Some of the applicants are Loco Pilots (Drivers) while the others are Train Managers (Guards). From the oral submission of the Learned Counsel for the applicants, it is gathered that the grievance of the applicants is with respect to the manning of newly introduced Vande Bharat Express Train between NJP and Guwahati. As per the crew link diagram notified by the NFR HQ Office, this train is to be worked by Alipurduar crew (Loco Pilots). The applicants herein claim that the train should be worked by Katihar Division crew and Guard based at NJP. The

applicants have filed this OA challenging the crew link diagram published by NFR HQ dated 23.02.2023 and transfer orders of Train Managers (TMs) issued by Alipurduar Division dated 13.06.2023.

5. Learned Counsel for the applicants submits that there are sufficient number of crew and guard of Katihar Division at NJP who can man the trains originating from NJP. The primary maintenance of the train is being carried out by Katihar Division at NJP/Siliguri complex. As per the applicants, the respondents are unfairly handing over the manning of this train to Alipurduar Division crew and guard. For this purpose the respondents are in the process of posting additional staff to NJP. As per the applicants, posting of Alipurduar Division staff to NJP, which is in Katihar Division, is a case of interdivisional transfer which should be done with the approval of Principal Chief Operations Manager and the Principal Chief Electrical Engineer. In the instant case, these transfers have been made at the Divisional level which is violative of the Railway Board's instructions contained in RBE No. 105 of 2022 dated 30.08.2022. The applicants have further alleged violation of provisions of paras h, j, k, l and m of the Railway Board's letter referred to above.

Learned Counsel for the applicants further submits that the impugned crew link diagram is also contrary to the decisions arrived on 31.05.2023 held by the Chief Passenger Traffic Manager, NFR with the recognized unions.

6. Per contra, Learned Counsel for the respondents in his opening remarks points out that applicant no. 01 who has signed all the documents on behalf of other applicants has not mentioned his official designation making it difficult to determine his locus standi in the matter. He further submits that the crew link diagram is a sensitive and intricately balanced arrangement which



regulates manning of a large number of passenger carrying trains in the zonal Railway system. It is drawn up keeping in view various factors such as availability of crew at a particular base, hours of employment regulations and financial implications in terms of overtime and other allowances. He further submits that the existing service conditions of the applicants have in no way been affected. They have neither been transferred from their existing place of posting nor any financial loss been caused to them.

Learned Counsel for the respondents, relying on the reply filed by the respondents, submits that by filing this OA, the applicants' sole aim is to get additional mileage and overtime allowance over and above what they are getting now. The applicants cannot claim right over such additional allowances.

7. Heard the parties. Perused material on record.

7.1 Submissions made in the OA suffer from several lacunae. As submitted by the Learned Counsel for the respondents, applicant no. 01 has not disclosed his official designation. Out of the 28 applicants in this OA, only the applicants at sl. nos. 2, 12, 13, 14, 17, 18 and 19 (total-7) belong to the Loco Pilot (Driver) cadre. Others are Train Managers (Guards). The impugned Crew Link Diagram concerns the Loco Pilot only. There is no mention of a corresponding link diagram for the Train Managers (Guards). In the OA as well as in the rejoinder, some transfer orders of Alipurduar Train Managers to NJP have been annexed presumably implying that these Train Managers will be deployed in NJP originating trains. These transfer orders relating to third parties have been challenged in this OA without joining the affected parties as respondents.



7.2 I agree with the submission of the respondents that a Government employee has no vested right to a particular duty. Assigning duty to an employee is the prerogative of the employer who has to take decisions in this regard based on available resources, rules in force and financial implications. Drawing up of a crew link diagram is an important activity with direct bearing on day to day train operations over a zonal Railway system and the zonal Railway is the competent authority to notify the link. Applicants have challenged the crew link diagram on the ground that it has been drawn up in violation of provisions contained in RBE no. 105 of 2022. They have specifically alleged that transfer orders issued by Alipurduar Division ought to have been issued at the Head Quarters level. Para j and k of RBE no. 105 of 2022 deal with inter-divisional transfer of staff with the approval of Principal Chief Operations Manager and Principal Chief Electrical Engineer. However, from the material on record, I do not find any cases of interdivisional transfer in the impugned order. The cases of Train Managers (Guards) of Alipurduar being transferred to NJP are not interdivisional in nature. These Train Managers (Guards) have been transferred to the NJP lobby of Alipurduar Division and placed under the Supervisors of Alipurduar Division. I do not find any merit in the submission of the applicants that these transfers have been made illegally.

7.3 Learned Counsel for the applicants also referred to the minutes of the meeting held on 31.05.2023. This meeting was held to discuss the arrangement of Train Managers for the NJP- Guwahati Vande Bharat Express. As stated above, the impugned crew link diagram relates to the arrangement



of Loco Pilots for various trains. I fail to appreciate the argument of the Learned Counsel for the applicants in this regard.

7.4 In the light of the above discussions, I find no legal infirmity in the impugned crew link diagram issued by Dy. CME (O&F), NFR on 23.02.2023 or the transfer orders of Train Managers issued by Alipurduar Division.

8. OA stands dismissed being devoid of merit. No costs.



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(Suchitto Kumar Das)
Administrative Member