

(2026) 01 CAT CK 1346

In the Central Administrative Tribunal, Allahabad Bench, Allahabad

Case No : Original Application No. 35 Of 2022

Abdul Arshad & Ors

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 14-01-2026

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2026) 01 CAT CK 1346

Hon'ble Judges : Rajiv Joshi, Member (J); Anjani Nandan Sharan, Member (A)

Bench : Division Bench

Advocate : Shyamal Narain, Ajay Kumar Rai

Final Decision : Disposed Of

Judgement

Anjani Nandan Sharan, Member (A)

1. Heard Shri Shyamal Narain, learned counsel for the applicant and Shri Ajay Kumar Rai, learned counsel for the respondents.

2. The instant Original Application, under section 19 of the Administrative Tribunal Act, 1985, has been filed by the applicants, seeking following reliefs:

"a) That this Hon'ble Tribunal be pleased to hold and declare that all the applicants, in their capacity as Power/Crew Controllers, though working on stationary posts, are duly entitled, in law, to be treated as belonging to the running cadre of drivers for all practical purposes and, accordingly, issue a time-bound direction to the respondents to treat the applicants as belonging to the cadre of drivers and grant them all consequential benefits, such as proper fixation of their seniority, fixation of pay and other allowances, and payment of the same, along with arrears, promotions, MACP Scheme benefits, with retrospective effect, and retirement pension at the rate of 55%, at par with other members of the running staff.

OR, IN THE ALTERNATIVE,

Direct the respondents to rescreen the applicants for suitable alternative employment in some other department, and appoint them on a post such as COS, or equivalent, commensurate with their seniority, and having avenues of growth and promotion, while fully protecting their seniority, pay and other benefits.

b. That this Hon'ble Tribunal be pleased to grant such other and further relief as the applicants might be found entitled to, in the facts and circumstances of the case.

c. That this Hon'ble Tribunal be pleased to award the costs of this Original Application in favour of the applicants, throughout."

3. During the course of the hearing, the learned counsel for the applicant submits that he is not pressing relief no. (a) and requests to consider the alternative relief. Further, from the perusal of the record, it transpires that vide orders dated 27.05.2025 and 27.10.2025, the learned counsel for the applicant submitted that applicant no. 13 (Kamta Prasad) does not want to press the instant OA and the same was dismissed as withdrawn only with respect to applicant no. 13.

4. The facts, as stated by the applicants, are that all the applicants were initially appointed in the Railways as Assistant Loco Pilots in the running cadre and served for a considerable period, earning promotions in the same cadre. Subsequently, due to being medically unfit, from various reasons, they were declared medically decategorised and rendered unfit to continue working as Loco Pilots. Thereafter, the applicants were considered and screened for grant of alternative employment in terms of the provisions of Chapter XIII of the Indian Railway Establishment Manual, which deals with absorption of medically incapacitated staff in alternative employment, and were posted as Power/Crew Controllers at NCR/Jhansi

4.1 Despite the fact that there was no difference in the nature of duties, responsibilities and work performed by in-service drivers posted as Power/Crew Controllers on tenure basis and medically decategorised ex-drivers posted as Power/Crew Controllers on a non-tenure basis, the applicants were denied the allowance in lieu of kilometreage of 120 kms per day, which is paid to in-service drivers. Further, after working for several years as Power/Crew Controllers, the applicants were shocked to learn that they are not treated as belonging to the Loco running cadre or to any other cadre and were not a part of any seniority unit. Subsequently, the applicants have been deprived of normal service benefits such as MACP benefits, stepping-up of pay, promotions and pensionary benefits applicable to running staff.

4.2 It is the contention of the applicants that several similarly placed colleagues of the applicants, who were also medically decategorised and screened along with them, were absorbed in other departments of the Railways as Office Superintendents or Chief Office Superintendents and are enjoying regular

promotions, seniority and other service benefits, whereas the applicants continue to remain stagnated as Power/Crew Controllers without any cadre, seniority or promotional avenues. Moreover, some medically decategorised employees were even granted the benefit of re-screening and alternative appointments in departments offering career progression, while the applicants were denied such opportunities in a discriminatory manner.

4.3 On being aware of such discrimination done by the respondents in case of the applicants, Applicant nos. 1 and 2 filed an application under the RTI Act on 20.12.2017 seeking relevant information. The reply dated 31.01.2018, communicated on 09.02.2018, stated that no rules existed for granting the claimed benefits to medically decategorised employees. It was also admitted that the applicants did not belong to any cadre, as there was no cadre for drafted posts, and therefore no seniority list could be provided. Thereafter, the appeal filed under the RTI Act on 26.02.2018 was also rejected on 10.04.2018, affirming the earlier reply.

4.4 Thereafter, the applicants submitted several representations to the Railway authorities explaining their grievances and seeking redress. However, despite repeated representations, no response or relief was granted. Feeling aggrieved, the applicants have approached this Hon'ble Tribunal by filing the present Original Application.

5. In the counter affidavit, the respondents have stated that initially the applicants were working as Assistant Loco Pilot in safety category and while working on the said post, all were found medically decateogorized and declared medically unfit and after screening by the nominated committee, alternative post of CCOR/PCOR non safety was offered to the applicants as per provisions of Railway Board's letter dated 09.01.1998 with full protection and their pay fixed by adding (one time) element of running allowance i.e. 30% of basic pay as per the instructions in vogue. It is further stated that those medically decateogorized running staff who have not got three promotion/ financial upgradation before decateogorization and were covered under railway board's letter dated 10.06.2009, were eligible for financial upgradation.

5.1 Further the respondents have filed a supplementary counter affidavit stating therein that the provisions for pay fixation of running staff are specifically given in RBE No. 198/1992 and the same are still existing till date, without any modification. The respondents have further relied upon order of this Tribunal dated 30.06.2025 passed in Original Application No. 418/2023, which considered each and every point for grant of running elements/allowance for running staffs/ employees and dismissed the original application. The respondents have further relied upon the similar controversy decided by CAT Patna Bench in OA No. 100/2022. Thus, the respondents have not committed any illegality or infirmity in the case of the applicants.

6. In response, the learned counsel for the applicants has filed rejoinder affidavit,

stating therein that the issue is no longer res integra and the same has been decided by this Tribunal in a series of cases on the basis of the provisions contained in Para 6.8 of Master Circular No. 25, which clearly stipulates that "Medically decategorized staff should be absorbed in suitable alternative posts in regular cadre only and not in tenure post". He further relies upon the judgments of this Tribunal passed in OA No. 179/2020, 180/2020, 184/2020, 42/2020, 894/2019 and 151/2024, which were allowed in favour of the applicant and some of the aforesaid judgments pertain to Jhansi Division, to which the present case also belongs, and the same have been complied with by the respondents.

7. Submissions of learned counsel for both the parties have been heard and records have been gone through.

8. It is noted from the record that the applicants were initially working as Assistant Loco Pilot under the respondents department and after being declared medically unfit, the applicants were medically decategorized and were further screened and provided alternative employment in terms of the provisions of Chapter XIII of the Indian Railway Establishment Manual, which deals with absorption of medically incapacitated staff in alternative employment, and were posted as Power/Crew Controllers at NCR/Jhansi in terms of para 2(g) and 2(h) of Railway Board's letter dated 09.01.1998. The said paras are quoted as under:

"g) Medically decategorized drivers will be eligible to be drafted to perform the duties of power/crew controllers, in their case, the tenure rule of three years under para (f) above will not be applicable. However, if their performance is not found satisfactory, in addition to action under D&AR, they cannot go back to running duties, they will be considered for alternative jobs following the rules applicable to medically decategorized employees.

h) suitable and senior drivers drafted will be designated as chief power/crew controllers."

It is the submission of the applicants that after working on the said post for several years, the applicants learnt that they were not treated as belonging to the Loco running cadre or to any other cadre and were not a part of any seniority unit as they were denied the allowance in lieu of kilometreage of 120 kms per day, which is paid to in-service drivers, while some of the several similarly placed colleagues of the applicants, who were also medically decategorised and screened along with them, were absorbed in other departments of the Railways as Office Superintendents or Chief Office Superintendents

9. Subsequently, the applicants filed a series of representations dated 16.04.2018 addressed to DRM, Jhansi, dated 06.06.2018 addressed to Senior Divisional personnel officer, Jhansi, dated 09.07.2018 addressed to Additional Divisional Railway Manager, Jhansi, dated 15.09.2018 addressed to Member (Traction), Railway Board, New Delhi, dated 23.10.2018 addressed to General Manager, North Central Railway, Allahabad, and at last representation dated 15.11.2018 addressed to the then Chairman, Railway Board, which are still

pending before the respondents.

10. The applicants have now demanded, through this Original Application, their rescreening for suitable alternative employment in some other department on a post such as Chief Office Superintendent (COS) or equivalent commensurate with their seniority and having avenues of growth and promotion while fully protecting their seniority, pay and other benefits.

11. Some of the applicants filed an application before the respondents under RTI Act on 20.12.2017 seeking relevant rules and information with respect to the post of the applicants. The reply dated 31.01.2018, communicated on 09.02.2018 was furnished to the applicants by the respondents. The relevant portion of the said reply is quoted as under:

12. Apparently, these medically decategorized loco pilots have been working on drafted post for more than 10 years but they are not eligible for benefits under MACP Scheme, stepping up of pay, promotion, etc and they are not in any regular cadre, casting a shadow on their future in railway service.

13. In the counter affidavit, it has been stated that the applicants were posted after recommendation of a screening committee consisting of three junior administrative grade officers in the light of railway rules. In the supplementary counter affidavit, the respondents have stated that similar controversy, for grant of 55% elements/running allowance has been settled by this Tribunal in the case of Ved Prakash Dwivedi vs Union of India & Ors (in OA No. 418/2023), in which the Tribunal has considered each and every point for grant of running allowance and dismissed the Original Application. However, the respondents have not made any submission regarding consideration of the applicants for posting on alternative post where their career prospects could be better.

14. The learned counsel for the applicants has also relied upon Master Circular No. 25, which is regarding absorption of medically decategorized non gazetted staff in alternative jobs. Through the said master circular, the consolidated instructions on the subject have been issued. Para 6.8 specifically mentions that medically decategorized staff should be absorbed in suitable alternative posts in regular cadre only and not in tenure post. Therefore, the appointment of these medically decategorized applicants on drafted posts, which do not have any regular cadre, does not seem to be inconsonance with the instructions issued under Master Circular No. 25.

15. Since the applicants have already worked on the drafted posts for more than 10 years, it would not be appropriate to set aside their appointment on these posts after medical decategorization. However, the respondents authorities must consider their genuine request for appointment/shifting on posts having regular cadre in accordance with rules in force so that their career prospects are not affected adversely and they also get the benefits of MACP Scheme etc.

16. Learned counsel for the applicants has submitted that some of the similarly

placed medically decategorized employees have been provided alternative posts after re-screening in the light of judgments passed by this Tribunal and they also been given their due promotions/financial upgradations.

17. In view of above, the respondents are directed to decide the claim of the applicants in the light of point no. 6.8 of Master Circular no. 25, following the principles of natural justice, as has been done in the cases of other similarly placed medically decategorized employees and to consider the applicants for posting/shifting on alternative posts having regular cadre, since these applicants are also similarly placed medically decategorized employees. The entire exercise should be completed within a period of 08 weeks from the date of receipt of this order.

18. In view of above, the instant Original Application is disposed of with the above directions.

19. Interim Order, if any, stands discharged.

All the related MAs stand disposed of.