

Hori Lal & Ors. Vs Union Of India through the General Manager, Banaras Locomotive Works Varanasi-221004. & Ors.

Court: Central Administrative Tribunal - Allahabad Bench, Allahabad

Date of Decision: Jan. 15, 2025

Acts Referred: Administrative Tribunals Act, 1985 " Section 19

Hon'ble Judges: Om Prakash VII, Member (J); Mohan Pyare, Member (A)

Bench: Division Bench

Advocate: L.M. Singh, M.K. Yadav, Anil Singh, Dolly Mishra, Manoj Kumar Sharma

Final Decision: Dismissed

Judgement

Mohan Pyare, Member (A)

1. Present Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:

1. Issue an order or directions calling for the records, pursuant to which the para (3) of the impugned order dated 08.11.2023 and

order impugned dated 12.04.2024 has been passed by the respondent No.6 and 4 respectively (Annexure A-1 and 2 of the OA) and quash

the same.

2. Issue an order or directions commanding the respondents not to force the applicants to perform entry of receive/issue of materials and

Ledger maintenance on UDM by their own DSC Key; rather, allow them to perform entry of receive/issue of materials and Ledger

maintenance of UDM by the DSC Key of Senior Section Engineer as is being done.

3. Issue any other and further order or directions in favour of the applicants, which the Hon'ble Court may deem fit and proper under

the facts and circumstances, existing in the present case.

4. Award the cost of the proceeding in favour of the applicants.

2. Brief facts of the case are that the applicants were initially appointed on different posts i.e. Junior Clerk/Peon/TADK/Farrash on different dates

and they were promoted to the post of Office Superintendent, except applicant No.12 (Junior Clerk). The applicants were posted in the Tool Room

Stores under the administrative control of respondent no.7 i.e. the Senior Section Engineer/ TR. The applicants were assigned the work of maintaining

the ledger of stores under the signature of respondent no.7. On computerization of Depot/ Stores an official portal namely UDM (User Depot Manual)

Ledger has been created in order to maintain computerized ledger & DMTRs (Daily Material Transaction Reports). The applicants were asked to

log-in their user ID to update the UDM Ledger. However, digital signature of the Admin/ Incharge/ Main User i.e. Senior Section Engineer/ TR was

being appended on it, as per para 1.2 of the User Manual for UDM. Respondent no.5 advised all the Dy. CMEs vide letter dated 06.04.2021 to

arrange to register secondary user for all sub-depot to speed up the date entry in UDM Ledger based upon which the applicants were asked to log-in

their user ID to operate the UDM Ledger. The applicants updated the respective data on the UDM Ledger and respondent no.7 put his digital

signature on it. Then respondent no.6 issued a letter dated 08.11.2023 directing respondent no.7 to ask the clerical staff (Applicants) to log-in their

DSC Key in order to update the UDM Ledger under their own digital signature. Being aggrieved, the applicants submitted repeated applications dated

11.11.2023, 09.02.2024, 04.03.2024, 06.03.2024, 21.03.2024 before the respondents requesting therein that they may be allowed to update the UDM

Ledger under the control and signature of the Incharge of the Stores i.e. the respondent No.7. Respondent No.4 negated the request of the applicants

vide impugned order dated 12.04.2024. The applicants have also ventilated their grievances before respondent no.2 vide applications dated 22.06.2024,

24.07.2024 and 25.07.2024.

3. We have heard learned counsel for the parties.

4. Submission of learned counsel for the applicant is that non-technical staff like the applicants can be asked to work as Secondary User to update the

UDM Ledger. However, para 19.10 of the User Manual for UDM provides that secondary users are not the owner of any Ledger etc. rather, they

work on behalf of the main user. User Manual for UDM further provides that the Secondary User can not undertake stock verification/ stock sheet

related activities. These are the reasons the main user of the depot i.e respondent no.7 is the signing authority on UDM Ledger. OM dated 29.08.2002

also stipulates that respondent no.7 i.e. the Sr. Section Engineer is the Incharge of the Stores and has the authority to map Non-Stock Repulsion, order

and issue the articles, make local purchases and also appoint Helper and Artisan Staff to manage the Stores. For this Technical work, he is being paid

extra monthly incentives. It is submitted that the BLW is an establishment indulged in building the Railway Coaches. There are so many types of tools

and instruments stored in the Depot/ Stores. The applicants come from non-technical streams. They do not have adequate knowledge and experience

of such Technical items. Even otherwise, they are not the custodian of stores. They may perform the simple work of date entry on the UDM Ledger

but if they will be forced to perform entry of receive/ issue of materials and Ledger maintenance on UDM by their own DSC Key, then who will bear

the responsibility of any shortcoming or below standard materials in the stores/ depot, which is under control and supervision of the Sr. Section

Engineer. Thus, he argues that under the facts and circumstance, grave legal injuries shall be caused to the applicants if they are forced to perform

entry of receive/ issue of materials and Ledger maintenance on UDM by their own DSC Key.

5. Submission of learned counsel for the respondents is that the applicants are working in the Tool Room in BLW for the last 5 years or more. The

work procedure is governed by the order issued on dated 29.08.2022. The primary duty of the applicant is to keep account of Tools and Equipment

and issue receipts etc on a daily basis. Overall Incharge of the Tool Room is Senior Section Engineer (SSE). In 2020, Indian Railways computerised

the account of the Tool Room, using software called User Depot Module (UDM) platform, thus eliminating manual registration and direct entry to

arrest leakage and irregularities in the system. As per procedure of UDM, these applicants were designated to Secondary user and given user ID and

Password to work in the UDM platform. To maintain the authenticity and genuineness and to fix accountability, it is mandatory that user should use

their own Digital Signature Key (DSC). The primary user of the Tool Room is the SSE who is incharge of the Tool Room. It is submitted that the

applicants are secondary user and are required to use their own DSC for operating in UDM Platform. Instead, they are demanding that DSC of SSE

should be used for operating in UDM. The above demand is against the guidelines and it will not be possible to track the actual user which may lead to

proliferation and stealing of equipments causing loss of Lakhs of Government revenues. The applicants are Railway servants and they are governed

by Indian Railway Service Conduct Rules of BLW and BLW Administration has the authority to assign the work to their employees and they are

bound to obey the guidelines. The guidelines of using Digital Signature (DSC) key was issued in 2023. However, the applicants continued to disobey

the administration guidelines, thus leading to severe inconvenience to BLW. He states that during the initial phases, when UDM was made functional,

the Digital Signature Certificate (DSC) Key of the secondary users i.e. the clerical staffs were not available as such store incharges were using their

DSC to operate UDM platforms. Later, the DSC keys of all clerical staff or secondary users were made available and they were advised to use their

own DSCs to speed up the process of using the UDM platform. He also states that the provision has been made in para 1.2 and in para 19.10 of

manual for User Depot Module to map the secondary user under main/sub depot user who can perform all the activities as per allotted privileges.

6. Learned counsel for the respondents further states that the order dated 08.11.2023 is in line with UDM functioning and with the letter No.

MW/04/039/00/Part II dated 29.08.2002. The order dated 29.08.2002 has clearly indicated that "All fresh receipt in the crib and scrap returned to

CTC will have to be entered in respective ledger by the clerk-in-charge (hereinafter called "tool checker") within 48 hours of the transaction.

All ledgers must be kept updated by the tool checker. This will have to be ensured by the SE in-charge who will sign the ledgers from time to time to the

effect that this has been done. As per UDM protocol, for ensuring correctness, authenticity and accountability, all users are to use their own DSC

key while operating the UDM. As such, secondary users like the applicants are to use their own DSC keys while working with UDM. The

representations of the applicants have been duly examined and considered by the Administrations vide letter dated 19.07.2024 and subsequent to

further representations, BLW administration has also formed a high level committee on 24.09.2024 comprising of three senior officers, to look into the

matter and recommend remedial measures. Thus, he argues that the orders dated 08.11.2023 and 12.04.2024 are administrative orders issued by the

competent authority and no rules, guidelines and instructions support the claim of the applicants, therefore, the present O.A. is liable to be dismissed.

7. In his rejoinder, learned counsel for the applicant submits that there are no such rules or laid down procedure about fixing accountability upon the

applicants towards the materials available in the tool room/cribs. Even otherwise, the provisions contained in the UDM Manual are very clear which

stipulates that the SSE is the administrator of the Unit and has to log-in into the UDM's production site using their existing IRETS User

ID/Password/Digital Signature Certificate (DSC). In this regard the copy of the extract pages of UDM Manual containing point nos. 1, 4.2, 5.3, 6.9.7,

19.9 and 19.10 is required to be taken into consideration (Annexure no. RA-1). He states that the instructions dated 08.11.2023 and 12.04.2024 appear

to have been issued by the respondents in contravention of the provisions contained either in OM dated 29.08.2002 or User Manual For "User

Depot Module".

8. Per contra, learned counsel for the respondents has further argued that the instructions issued on 08.11.2023 and 12.04.2024 are administrative

orders by the competent authority and by assigning the applicants to carry out the work of maintaining UDM ledger and perform duty of receipt/issue

of material by their own DSC key no rule or guideline is violated. It is the prerogative of the administration to assign work among employees for

achieving organisational goals with optimum efficiency. For ensuring authenticity, genuineness of entries and to ascertain responsibility for account of

stocks which amounts to several lakhs of rupees, as per UDM procedure, it is mandatory that the person who is actually performing the activities of

issue, receipt of materials on UDM should login to UDM using his own DSC key. Thus, the instructions are in synchronization with existing rules and

guidelines of BLW issued on 29.08.2002. He argues that the applicants were not assigned any duties that require special technical training or technical

skills or working with machines and equipment and there is no change in the service conditions of the applicants.

9. We have considered the rival contentions of learned counsel for the parties and perused the entire documents on record as well as the written

arguments filed by learned counsel for both the parties.

10. Perusal of the User Depot Module (UDM) as annexed by learned counsel for the parties contains in para 1.2 that "All officers can log-in into

UDM's Production Site using their existing IREPS User ID/ Password/ Digital Signature Certificate (DSC), being used by them for tendering

work". However, nowhere can we find a specific stipulation that DSC can only be used by the Admin/ Incharge/ Main User and not by a Secondary

User. If initially the arrangement was such that only the incharge i.e. the Senior Section Engineer/ TR was applying his DSC, it is well within the

authority of the administration to decide to make alterations to the said arrangement on requirement basis. While the UDM and the OM dated

29.08.2002 give specific description of the tasks and authorities of the various officers, it does not prescribe any restrictions about the application and

use of Digital Signature Certificate Key by any officer or staff. The applicants may be non-technical staff yet if they are assigned a particular task

and asked to validate/authenticate their work through a Digital Signature Certificate Key, there is no violation of any provision laid down in the said

Module or the Office Memorandum. The apprehension of the applicants that they will be solely held responsible for any shortcoming or lack of quality

in the store items has no basis since they can only be held responsible for their part of the duty and not for the duty of the supervisor or the incharge

who is supposed to oversee the technical aspect of the work. The purpose of the DSC key is for ensuring authenticity and fixing accountability for the

portion of the task assigned to a user. The UDM and OM dated 29.08.2002 elaborate on the responsibility of the officers and staff which shall be

taken into account while fixing responsibilities with regard to the nature of shortcoming if it occurs. Thus, the impugned orders dated 08.11.2023 and

12.04.2024 are administrative instructions that have no manifest illegality and not at all arbitrary or malafide which is likely to affect the future of the

applicants which leaves no scope for interference by this Tribunal.

11. Accordingly, the O.A. stands dismissed. All associated M.A.s also stand disposed of. No costs.