

Central Administrative Tribunal, Principal Bench

O.A.1779/1999

New Delhi, this the 6th day of December, 2000

Hon'ble Mr. Kuldip Singh, Member (J)
Hon'ble Mr. M.P. Singh, Member (A)

(23)

Narendra Kumar Nayak, aged 29 years
S/o Shri Raghunath Nayak, Vill. Bahudiha
P.O. Jhadlinga, Dist. Puri,
at present working as Sr. Library Attendant
Central Administrative Tribunal,
Cuttack Bench, Cuttack

....Applicant

(By Advocate: None)

Versus

1. Union of India
represented through Secretary
Department of Personnel, Public Grievances
and Pensions, New Delhi
2. Registrar
Central Administrative Tribunal
Principal Bench
New Delhi
3. Registrar
Central Administrative Tribunal
Cuttack Bench,
Cuttack

....Respondents

(By Advocate: Shri N.S. Mehta)

ORDER (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (J)

Applicant in this case is aggrieved of the orders dated 20.9.96 and 3.10.96 passed by the respondents. He has prayed for quashing of the same and to adjust him against any available permanent Group 'C' post of LDC or any other equivalent Group 'C' post in the Cuttack Bench of the Tribunal.

2. Facts in brief are that the applicant is working as Senior Library Attendant (in short 'SLA') in the Cuttack Bench of the Tribunal. The said post had been declared surplus by the report of Staff

for

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Inspection Unit (in short 'SIU') as per Annexure A-10. Consequent thereupon, the applicant was reverted to the post of Junior Library Attendant (in short 'JLA') in the grade of Rs.800-1150/-.

3. To challenge the impugned orders, applicant has submitted that his reversion order amounts to illegal exercise of power and arbitrary disturbance to a settled position. He has submitted that SIU report does not warrant his reversion and at the most, he could be adjusted in any of the available equivalent, vacant and permanent post as had been done in the case of other two employees as per annexure A-15. Applicant has submitted that his reversion would amount to punishment without following any of the basic tenants of service jurisprudence.

4. Respondents have contested the petition. They have submitted that the post of SLA has been abolished and the applicant is either to be surrendered to the Surplus Cell for re-deployment or to be reverted to the next below available post. Since the applicant refused to be transferred to an outlying Bench where the post of SLA was available, there was no other alternative except to revert him to the post of JLA and this reversion was also a temporary adjustment.

5. Respondents have submitted in their reply that it is not possible to adjust the applicant against the post of LDC. As regards the case of other two UDCs, they had also refused to be transferred

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outside Cuttack and had to be reverted to the posts of LDC. However there is no provision to permit a JLA to the post of LDC.

6. We have heard learned counsel for the respondents. None appeared for the applicant despite the fact that this case is appearing on daily Board for a number of days.

7. It is admitted fact that the applicant had refused to go outside Cuttack. This means that he was not willing to be adjusted against an equivalent post outside Cuttack otherwise he could have been adjusted in some other Bench of the Tribunal in an equivalent post. Since the applicant has been adjusted against the post of JLA and that too, for a short duration and the matter is still subject to the final decision of the Principal Bench on the administrative side, we find that the applicant cannot claim for quashing of the orders in question as he is unable to challenge the report of SIU, whereby the post of SLA had been abolished. It is only because of the refusal on the part of applicant to go outside Cuttack that he had been adjusted in the lower post of JLA at Cuttack, which is also a temporary arrangement as per the orders of the Principal Bench, on the administrative side.

JK

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8. In view of the above discussion, we find that this O.A. has no merits and deserves to be dismissed. The O.A. is, therefore, dismissed. No costs.

M.P.S.
(M.P. Singh)

Member (A)

K.S.
(Kuldip Singh)
Member (J)

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