

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

Repn.No.DA-233/87

Date of decision: 14.08.1992.

Shri Harinder Singh

...Applicant

Versus

Union of India & Others ...Respondents.

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Administrative Member
The Hon'ble Mr. J.P. Sharma, Judicial Member.

For the Applicant : None

For the Respondents : Shri O.N. Moolri, Counsel.

Judgment (Oral)

(Hon'ble Mr. I.K. Rasgotra, Administrative Member)

This is an old matter, which came up for hearing for the first time on 27.02.1987 and has been on the daily board since 6.8.1992. We, therefore, do not consider it just and proper to adjourn it further. Today when the case was taken up, none appeared for the applicant. The respondents were represented by Shri O.N. Moolri, learned counsel. The relief sought by the applicant in the O.A. is that the orders of the respondents dated 29.11.1985, removing him from service, dated 6.12.1985, reinstating him in service and finally order dated 4.12.1986, transferring him as Traffic Inspector to the Safety Camp, Ferozpur be quashed and set aside.

2. On perusal of the record, we find that the applicant was removed from service vide order dated 29.11.1985 under Rule 14 (2) of Railway Servants (Discipline and Appeal) Rules, 1968 read with Article 311 (2) of the Constitution of India. He was reinstated in service by the competent authority with effect from the date he was removed from service in the same grade in administrative interest. Thus, no prejudice was caused to the applicant.

92
contd...2..

Later, vide impugned order dated 14.12.1986, the applicant was transferred from the post of S.S./PHR in the grade of Rs.840-1040 to Safety Camp Ferozpur in the same scale of pay. Thus, he did not suffer any pecuniary loss. His grievance is that before he was transferred to the said post, the post of Traffic Inspector was in a lower grade. We do not consider the ground that the post of Traffic Inspector was earlier in the lower grade as sufficient and adequate ground for our interference in the matter. In effect, what has happened is that the post of S.S./PHR was down graded and the higher element of that post was transferred along with the applicant to the safety camp, Ferozpur so that the applicant did not suffer any financial loss. Whether the post of Traffic Inspector should be in a higher grade or in a lower grade is a question which falls purely in the administrative domain. The applicant has also filed an MP No.1431/87, wherein he had sought protection for continuing at the same post at PHR in view of the education of his children. The learned counsel for the respondents has submitted that the applicant is already working at Ferozpur and this ground, in our view, therefore, no longer survives at this point of time.

2. In view of the above, MP No.1431/87 is disposed of and the O.A. is dismissed, as devoid of any merit. No costs.

J.P. Sharma
(J.P. Sharma)
Member(J)

I.K. Rasgotra
(I.K. Rasgotra)
Member(A)

August 14, 1992.