

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH : NEW DELHI

...  
O.A. No.1484 of 1993

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Date of Decision: 3rd February, 1994

Hon'ble Shri J. P. Sharma, Member (J)  
Hon'ble Shri B. K. Singh, Member (A)

Shri Sukha  
S/o Shri Ravi  
R/o G-11, Railway Colony  
Meerut Cantt. Meerut. ... Applicant  
By Advocate Shri S. S. Tewari

vs.

1. Union of India, through  
General Manager  
Northern Railway  
Baroda House  
NEW DELHI

2. D.S.E.(I), NDLS  
in DRM's Office  
New Delhi Railway Station  
NEW DELHI

3. Divisional Engineer  
Northern Railway  
Meerut Cantt.  
MEERUT

... Respondents

By Advocate Shri B. K. Aggarwal

O R D E R (Oral)

Hon'ble Shri J. P. Sharma, M(J)

The applicant is aggrieved by the order passed by the respondents No.2 on 26.5.1993 by which the applicant has been ordered to surrender the post of Moulder immediately and reverted to his original post of Gangman/Khalasi.

2. The applicant has prayed for grant of following reliefs:

a) Set aside and quash the order of surrender of post by respondent No.2;

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- b) Direct the respondents to accommodate the applicant in any equivalent post carrying the same pay scale;
- c) Protect the seniority of the applicant vis-a-vis his juniors;
- d) Direct the respondents not to revert the applicant;
- e) Pass any other order/s as may be deemed just and proper in the facts of the case; and,
- f) Award costs.

3. A notice was issued to the respondents who opposed the grant of relief prayed for and stated that the applicant was working in Delhi Division on an Work Charged post of Moulder. There is no post of Moulders in Workshops in the Engineering Department of Railway. Since 1980 onwards, the welding of joints was being done with moulds fabricated at site. Due to technical reasons and because moulds were available in the market, the system of fabrication of moulds at site, has been discontinued warranting the abolition of such posts. It is further stated that no junior to the applicant has been retained.

4. The learned counsel for the applicant during the course of hearing has filed a copy of the letter dated 4th August, 1993 passed by the D.S.E., New Delhi <sup>stated</sup> on which the order/that the applicant along with other Moulders/Looters who had been reverted shall be reposed.

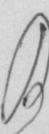
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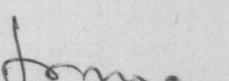
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5. The learned counsel for the respondents, Shri B. K. Aggarwal however showed his ignorance of the aforesaid letter on 4th August, 1993. The aforesaid letter has been filed by the learned counsel for the applicant which has to be taken as genuine and in other two connecting cases disposed of to-day in O.A. 1424/93 and 1425/93, the same letter has been relied upon and the genuineness of the letter has not been challenged by the learned counsel for the respondents during the course of hearing in those cases. Thus, the contention of the learned counsel for the respondents, cannot be accepted in this regard.

6. In view of the above facts and circumstances, we find that the present application has become infructuous and is dismissed accordingly, leaving the parties to bear their own costs.

  
(B. K. Singh)  
Member (A)

  
(J. P. Sharma)  
Member (J)

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