

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 31st day of July, 2000

CURIA :-

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiquddin, J.M.

I. Original Application No, 704 of 1996

Imran son of Imamuddin,
R/o Village Ghoghraki P.O. Sarak Dudhali,
Tehsil and District Saharanpur,
and employee of Remount Training School & Depot,
Saharanpur.

(Sri S. P. Singh, Advocate)

. Applicant

versus

1. Union of India
Through Ministry of Defence,
New Delhi.

2. Commandant Remount Training School,
& Depot, Saharanpur.

(Sri S.C. Tripathi, Advocate)

. Respondents

A N D

II. Original Application No. 705 of 1996

Ved Prakash son of Khubbi Lal,
R/o Kopher Bagh, Mandi, Saharanpur,
An employee of Remount Training School & Depot
Saharanpur.

(Sri S. P. Singh, Advocate)

. Applicant

versus

1. Union of India
Through Ministry of Defence,
New Delhi.

2. Commandant Remount Training School
& Depot, Saharanpur.

(Sri S.C. Tripathi, Advocate)

. Respondents

ORDER (Overall)

By Hon'ble Mr. S. Dayal, A.M.

These two applications have been heard together because of similar questions of law and facts involved.

2. These applications have been filed for setting aside of the order dated 22-4-1996. A direction is also sought to the respondents not to change the cadre of the applicant and not revert the applicants without following the rules.

3. The case of the applicant in OA No. 704 of 1996 is that he was initially appointed on the post of Syce w.e.f. 23-10-1972. He was subsequently appointed to the post of Chowkidar since 27-1-1995. By the impugned order, he is being reverted to the post of Syce again.

4. The case of the applicant in OA No. 705/1996 is that he was originally appointed on the post of Syce w.e.f. 21-6-1988. He was absorbed on the post of Farm Beldar w.e.f. 8-7-1994. By the impugned order dated 22-4-1996 he is again being reverted to the post of Syce.

5. The case of the applicants is that the cadre of Syce and the Cadre of Chowkidar and Farm Beldar are different. The cadre of the applicants cannot be changed from Chowkidar and Farm Beldar to Syce without affording an opportunity and it could be done only for justified reasons.

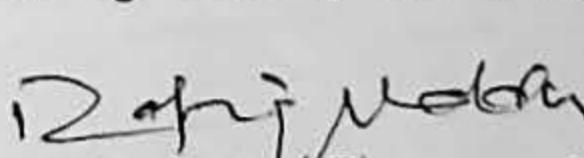
6. Arguments of Sri SP Singh, counsel for the applicant and Sri SC Tripathi, counsel for the respondents have been heard. Learned counsel for the respondents has mentioned that the post of Syce, Beldar

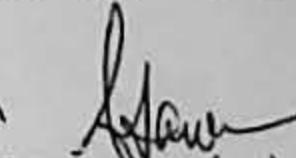
Beldar were in the same scale of pay and are interchangeable. Therefore, no irregularity has been committed by the respondents by reclassification of the applicants as Syce.

7. We have seen SRO 336 notified in the Gazette dated 10-11-1972 in which the Recruitment Rules for Class IV(Non-Industrial Posts) Remount and Veterinary Corps, has been given. The Recruitment Rules show that there are different qualifications for the categories of Bullock Cart Driver, Vet Dresser/Peon, Messenger, Syce and weighman. Qualifications for the post of Farm Beldar and Chowkidar have not been mentioned. Category of Syce is entitled to be promoted to the category of Line Jemadar, while the category of Farm Beldar is entitled to be promoted as Farm Jemadar. It is clear from the Recruitment Rules that the category of Syce, Farm Beldar and Chowkidar are different.

8. Reasons given for change of category of the applicants by the respondents is that due to acute shortage of Syce in the Depot, the applicants were being reverted to their original post of Syce. This unilateral action of the respondents is without giving an opportunity to the applicants for showing their willingness or otherwise and such a remusterling or change of category cannot be considered to be legal or justified. In the circumstances, the impugned order in both the cases dated 22-4-1996 are set aside. The respondents shall have right to take action after showing cause and considering the qualification of the applicants by a speaking order. No order as to costs.

Dube/


Member (J)


Member (A)