

OPEN COURT

**CENTRAL ADMINISTRATAIVE TRIBUNAL ALLAHABAD BENCH:**  
**ALLAHABAD.**

(THIS THE **26<sup>TH</sup>** DAY OF **MAY** 2009)

**PRESENT**

**Hon'ble Mr. Justice A. K. Yog, Member (J)**  
**Hon'ble Mrs. Manjulika Gautam, Member (A)**

**ORIGINAL APPLICATION No. 698 OF 2001.**  
**(U/S 19, Administrative Tribunal Act, 1985)**

R. K. Yadav S/o Parsuram Yadav R/o Mawai Khurd Mughalsarai District Chandauli.

... Applicant.

By Advocate: Shri R. Verma.

Versus

1. Union of India through the general Manager E. Rly. 17 Netajee Subhas Road Calcutta-1.
2. The Senior D.P.O. E. Rly. Mughalsarai.

..... Respondents

By Advocate: Shri K. P Singh

**O R D E R**

**(Delivered by: Justice A.K. Yog, Member-J)**

The applicant, through this O.A. has claimed following relief/s;

*"(i). That this Hon'ble Court may be pleased to quash the impugned order dated 14.3.2001 (Annexure A-12) and the respondents be directed to provide an alternative job to the post of Section Controller vide order dated 1.9.98.*

*(ii). Any other relief or reliefs to which he is entitled may also be awarded"*

2. The impugned order dated 14.03.2001 marked as Annexure A 12/compilation-1 reads:-



*"Eastern Railway*

*Dated 14.03.2001*

*No.LS/CAT/ALD/578-99/R. K. R. Mughalsarai.*

*Sri R. K. Yadav  
Head Clerk  
Under Sr. DME/C&W/MGS.*

*Sub:- O.A. No. 578 of 99-R. K. Yadav  
Vs.  
U.O.I. and others-before CAT/ALD.*

*As per order of the Hon'ble CAT/ALD in  
above case the undersigned has considered it  
sympathetically and came to the following  
conclusions:-*

*That after medical decategorisation it  
was approved for your engagement as Section  
Controller. But at the very time there was no  
vacancy of Section Controller. Hence you were  
not posted as Section Controller at the very  
time, However, you were posted as Head Clerk  
after you gave your consent to this post and  
you gladly accepted it. Since then you are  
working as Head Clerk.*

*Thus I see no any reason to post you as  
Section Controller.*

*Thus your appeal is disposed of as order  
of the Hon'ble CAT/ALD in above case.*

*Divisional Personal Officer  
E. Rly/Mughalsarai"*

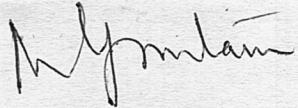
3. From the perusal of the aforesaid impugned order, it is clear that applicant was posted as head clerk on the basis of his consent without objection for such posting.

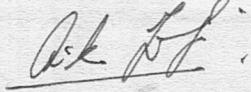
4. In view of the above, the applicant cannot be permitted to recite from the above stand. More over this order is passed in appeal with reference to direction given by this Tribunal was passed in appeal with reference to direction given by this Tribunal in O.A. No. 578 of 1999 (R. K. Yadav Vs. Union of India and others). From the relief/s claimed in the O.A. (quoted above). It is clear that the applicant does not challenge said fact the impugned order. We find no good ground to interfere the impugned order.

*✓*

O.A. dismissed. No Costs.

4. A copy shall be sent by the speed AD post within three weeks from today to the Learned Counsel for the applicant and respondents.

  
Member (A)

  
Member (J)

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