

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD.

ORIGINAL APPLICATION NO.87 OF 2001

ALLAHABAD, THIS THE 10TH DAY OF MARCH 2005

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN
HON'BLE MR. S. C. CHAUBE, MEMBER-A

Suresh Chandra Sharma,
Aged about 45 years,
Son of Late Shri Vishwa Nath Sharma,
Resident of 42C-D, Station Road,
Tundla, District-Firozabad.

.....Applicant.

(By Advocate Shri Rajeev Trivedi)

Versus

1. Union of India,
Through the General manager,
Northern Railway,
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Allahabad.
3. The Assistant Personnel officer,
Northern Railway, Allahabad.
4. The Assistant Operating Manager,
Northern Railway, Allahabad.

.....Respondents.

(By Advocate Sri A. K. Gaur)

ORDER

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN.

The Original Application, in hand, has been instituted for the following
reliefs:-

- "(i) To issue a writ, order or direction in the nature of certiorari
quashing the impugned order dated 2.11.1999 passed by the
respondents reverting the petitioner from the post of Assistant
Guard adhoc to that of Gateman (Annexure A-I).

RAJ

- (ii) To issue a writ, order or direction in the nature of mandamus directing the respondents to continue the petitioner as Assistant guard on adhoc basis and to consider the petitioner in the subsequent vacancies of Assistant Guard along with others and regularize him on the basis of seniority without compelling the petitioner to take another selection in view of the direction given by the Hon'ble Principal Bench o\in Judgment dated 20.05.1994 (Annexure A-V).
- (iii) To issue any other and further suitable writ, order or direction that this Tribunal may deem fit and proper in the circumstances of the case.
- (iv) To award cost of the petition."
2. The applicant, it appears, is working as adhoc Assistant Guard in the pay scale of Rs.950-1400 (RSRP) 3050-4590/- (RSRP). He was denied regularization on the post of Assistant Guard in the pay scale of Rs.950-1400 (RSRP). Vide order dated 20.05.2994 passed in O.A. No.469/1989 by the C.A.T New Delhi directed that so long as there were vacancies for the said category, the applicant would not be demoted from the post of Assistant Guard. Accordingly, the applicant was kept on the said post. However, it appears that all the post of assistant Guard in the concerned division have been declared surplus and surrendered vide letters dated 14.04.1999 and 29.04.1999. Accordingly, in the absence of availability of posts the applicant who had been working on adhoc basis has been reverted to his substantive post of Gateman in the Pay scale of Rs.800-1150/-(RSRP) 2650-4000/-(RSRP) on the basis of the facts contained in the judgment dated 20.05.1994 in O.A. No.468/1989.

3. Having heard learned counsel for the parties we find no good ground made out for interference. The applicant is not entitled to the reliefs claimed herein.

(Signature)

4. Accordingly, the O.A. fails and is dismissed with no order as to costs.

Shank
Member-A

RSV
Vice-Chairman

/NEELAM/