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OPEN COURT

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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
A L L A H A B A D

Dated : Allahabad the 26th February, 1986.

CORAM :- Hon. Mr. S. Das Gupta, Member-A
Hon. Mr. T. L. Verma, Member-J

ORIGINAL APPLICATION NO. 1035 of 1987.

Hari Pal son of Buddhu resident of village & Post
Office Ladiganwa, District Fatehpur.

.....Applicant.

(THROUGH ADVOCATE SHRI G. P. MADAN)

Versus

1. The Union of India through the General Manager,
Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway,
Allahabad.
3. Assistant Engineer, Northern Railway, Fatehpur
(Now designated as Divisional Engineer, Northern
Railway, Fatehpur) .
4. Sri Trilok Singh son of Sri Narain Singh, M.C.C. under
P.W.I.(Special), Northern Railway, Fatehpur.

.....Respondents

(BY ADVOCATE SHRI A.K. SHUKIA)

O R D E R(Oral)

(By Hon. Mr. S. Das Gupta, Member-A)

This application was filed seeking quashing
of an order dated 17.7.1986 by which he was allegedly
reverted from the post of Semi-skilled Signaller to
Gangman(non-skilled). He has sought the relief of
restoration to his post with all consequential benefits
including seniority and promotion to the post of Storeman
in preference to his juniors. He has also sought

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quashing of illegal transfer from the post of Signalman to Gangman from P.W.I.(Special) Northern Railway, Fatehpur to Gang No.40 being Bindki Road.

2. The applicant's case is that he was initially appointed as Signalman on 5.6.1972 on daily wages. He worked upto 15.4.1973 as a casual Signalman, and thereafter he was appointed in regular capacity against clear vacancy of Signalman(T.T.M.) under P.W.I. M.M.I, Allahabad. Subsequently he was transferred from T.T.M. as Signalman under P.W.I.(Special) Northern Railway, Fatehpur in the same grade and capacity on 6.9.1980. He worked as Signalman upto 17.7.1986. On 17.7.1986 he was transferred from the post of Signalman to Gangman under the control of P.W.I. Northern Railway Fatehpur. He did not initially join duty due to family circumstances and as a result certain disciplinary proceedings were initiated against him resulting in imposition of penalty. The applicant states that had he continued on the post of Signalman, he should have been considered for promotion to the post of Storeman on which post a person, junior to him was promoted. The applicant is claimed that he represented against his illegal transfer^{and} with-holding of promotion, by his application dated 7.3.1987 followed by reminders but these representations did not evoke any response, Hence, this application.

3. The respondents have filed a written statement which is extremely laconic to say the least ~~letters~~. However, what can be made out from the reply is that the applicant was not initially appointed on a regular post as claimed by the applicant but only on a work-charged post. It is not, however, specifically

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denied that he was appointed on the post of Signalman regular or otherwise. It has been further stated that in 1984, the applicant was selected and empanelled for the post of Gangman to which post he was transferred, under P.W.I. Fatehpur. Thus, it is not a case of any change of category or reversion but, it is a case of absorption from the panel.


4. We, in absence of learned counsel for the applicant have heard the learned counsel for the respondents and carefully perused the record.

5. The averments both in O.A. and in the counter-affidavit are extremely sketchy. The applicant has challenged an order dated 17.7.1986 by which he is alleged to have been reverted from the post of Signalman to that of Gangman. He has, however, not annexed the copy of this order. On the other hand the respondents claim that he was absorbed on the post of Gangman for which he was empanelled in 1984. They have not annexed a copy of the order by which he was actually appointed on the post of Gangman. In the absence of any such document we have to assume that his absorption has actually taken place in 1984 or shortly thereafter, and in that view of the matter this application which was filed on 26.10.1987 is highly time-barred. Moreover the applicant has utterly failed to show of what right he had to continue as Signalman or to be promoted to the post of Storeman.

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W.C.

6. The application has neither any merit nor has been filed within the period of limitation. This, is therefore, dismissed accordingly. The parties shall bear their own costs.


Member-J


Member-A

Dt/- Allahabad Feb.26.1996.

(pandey)