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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHABAD BENCH), ALLAHABAD.

O.A.NO. 447/90
T.A.NO.

OF 199

Date of decision : 2nd October, 1992

.....Om Prakash Singh & others.....Petitioner

.....Advocate for the Petitioner.

Versus

.....U.O.I. & others.....Respondent

.....Advocate for the Respondent (s).

CORAM:-

The Hon'ble Mr. Maharaj Din, J.M.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the judgment ? ✓
2. To be referred to the Reporter or not ? X
3. Whether their Lordships wish to see the fair copy of the judgment ? ✓
4. Whether to be circulated to all other Benches ? ✓


Signature

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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD.

G.A. No. 447 of 1990

Om Prakash Singh & others Applicants.

Vs.

U.O.I. & others. Respondents.

Hon'ble Mr. Maharaj Din, J.M.

(By Hon'ble Mr. Maharaj Din, J.M.)

The applicant has moved an application under section 19 of the Administrative Tribunal Act seeking the relief that the order dated 14.2.1990 amending the previous paragraph no. 12 be quashed (Annexure A-I). It has been further prayed that the respondents be restrained from transferring the applicants from the present station of posting i.e., from Allahabad to another station, in pursuance of the order dated 17 th May, 1990 (Annexure A-VI). It is stated, that by order No. ROIC/4/79 dated 28 May, 1979, the respondent no. 1 directed normal rule of posting which is quoted as Under:-

" All normal posting for new raising, to adjust surpluses/deficiencies and under turnover scheme in respect of all categories of personnel will be carried out on station seniority basis. Group of stations will be formed as under:-

- (a) COO DELHI, CVO DELHI, CO SHAKURBASTI and CP CELL, ARMY HQ.
- (b) COO DEHU, AD DEHU, CO TELEGAON DABHADE and CAFVO KIRKEE
- (c) CVO PANAGAR and AD PANAGAR
- (d) COO CHITEDI and CO ALLAHABAD

Ans

(9)

(a) Head quarters Commands, NCC Directorate, Ordnance Sample Rooms and non-Ordnance Units employing civilian non-industrial personnel controlled by AOC Records will be included in the respective station."

It is stated by the applicant that ^a the amendment in paragraph no. 12 is arbitrary, unreasonable and violative of Article 14 and 16 of the Constitution of India, in as much as the junior most employees in a particular category which are sought to be posted as surplus ~~himself~~ ^a to another station would again become junior most employees of the next station and again they will suffer because of the ~~vagaries~~ ^a of paragraph no. 12. The earlier paragraph ~~was~~ ^a stood on rational basis as only once the senior person was sought to be affected and posted as surplus employee ^a at another station. The normal posting have all along been done on the basis, of unamended paragraph no. 12 which ^{was a} enforced since 1979 continuously for the last 10 years.

2. By the order dated 14.2.1990 the amended paragraph no. 12 was substitute in this paragraph the rules, principles ^a of stations seniority basis was changed and the junior most employees basis was adopted (Annexure A-I). On 5th March, 1990 surplus posting of Civilian in respect of Store Keeper was issued (Annexure A-III). On 17th May, 1990 ^{the} ~~a delay~~ order has been issued that the applicants and the others including in the list 'B' shall be relieved on 1st June, 1990 (Annexure A-VI). The applicants have challenged the said amended paragraph no. 12 and consequential movement order.

3. The respondents have filed reply and resisted the allegations made in the application.

[Signature]

4. I have heard the learned counsel for the parties and perused the record. The applicants have filed the movement order of the posting of Civilian non-industrial personnel controlled by AOC records. According to which the junior most employees in a particular category will be declared surplus in a unit. As far as possible the surplus staff will be adjusted in the group of the stations. If it is not possible to adjust all surplus employees within the same group of stations, their stations seniority of only the surplus staff will be taken into consideration for the posting. The learned counsel for the respondents has filed the order dated 14.7.1990 of the Army Head Quarter to the effect that all the transfers made in pursuance of amended para 12 are with-held till further orders. The only relief in this original application has been sought that after having quashed the amended para 12, the respondents be restrained from transferring the applicants from the present station of posting (Allahabad) to another station. Thus when all the transfers are with-held by the order of the Army Head Quarter, the order (Annexure A-1) has become infructuous.

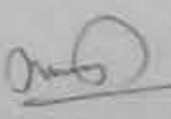
5. In the light of the discussion made above the order which has been challenged need not be quashed and the relief ^a ~~for~~ ^{to 2} prayed has become infructuous.

6. In future it will, however, be open to the applicants to file a fresh application being aggrieved by the order of transfer passed in pursuance of amended, para 12 (Annexure A-1).

7. The application is accordingly disposed of, With no order as to costs.

DATED:- 20th OCTOBER, 1992.

/am/


20.X.92
Member (J)