

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 17th day of July, 1996

Original Application No.1369 of 1995

DISTRICT : MEERUT

CORAM:-

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. T.L. Verma, J.M.

Baij Nath Singh Packer (Ordinary)
Son of Late Dharam Deo Singh,
Canteen Stores Department, Meerut Depot,
Resident of House No.25, Govindpuri,
Kanker Kehi, Meerut.

(By Sri Siddhartha, Advocate)

..... Applicant

Versus

1. Union of India, Ministry of Defence,
Canteen Stores Department, "Adelphi 119"
M.K. Road, Bombay, 400020.
2. Government of India,
Ministry of Agriculture,
(Department of Agriculture and Cooperative)
Krishi Bhawan, New Delhi
3. Ministry of Labour (D.G.E. & T.)
Government of India, Group 'D'
Surplus CELL, New Delhi.

(Km. Sadhna Srivastava, Advocate)

..... Respondents

O R D E R (O_r_a_l_)

By Hon'ble Mr. S. Das Gupta, A.M.

The grievance of the applicant in this OA filed under Section 19 of the Administrative Tribunals Act, 1985, is that his name was referred to the surplus adjustment cell and he has been offered an alternative employment as peon in the Department of Agricultural Co-operation, Krishi Bhawan, New Delhi by order dated 7-12-1995. He has sought quashing of the aforesaid order and also the

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order dated 11-6-1995 by which the applicant was notified that his details have been forwarded to the project adjustment cell. He further prayed that he be allowed to work as Packer under Respondent No.1.

2. The applicant has averred that he was originally appointed as Majdoor, CSD Silliguri. He was later transferred to Meerut and subsequently promoted to the post of Packer (Ordinary) by order dated 22-3-1991. However, by the order dated 11-6-1995, the applicant's post of ~~ordinary~~ Packer was abolished and the applicant was declared surplus. Later the impugned order dated 7-12-1995 has been issued directing him to report for duty as Peon in the Department of Agricultural Co-operation. The applicant's grievance is that he was ~~clearly~~ ^{senior} sent as Packer and, therefore, the declaration that he was amongst surplus staff was totally discriminatory and violative of Article 14 of the Constitution of India. He has alleged that junior employees have been retained while he was declared surplus.

3. The respondents have filed a counter affidavit in which it has been specifically stated that the applicant was amongst juniormost Packers and no junior to him was retained in the department. It has been explained that as a result of study made by Staff Inspection Unit in 1991 of the workload of the CSD in Meerut, there was a reduction in the number of post of the Packers. This resulted in abolition of certain posts including the one occupied by the applicant. The respondents followed the policy ^{of} last come first go and the applicant being one of the juniormost, was declared surplus and his details were forwarded to the ^{surplus} adjustment cell. It has been further stated that the applicant shall not suffer any financial loss as his interest ^{shall} be protected.

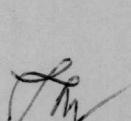
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4. In the rejoinder affidavit filed by the applicant, he has reiterated that the persons junior to him have been retained. In the Supplementary Affidavit, he has also annexed the Seniority List of Packers in which he is at Serial No.4029 and only five persons below him are his juniors.

5. Admittedly, the Staff Inspection Cell had conducted the study of the workload and recommended decrease in the number of posts of Packers. Accordingly, certain number of posts have been reduced. If the respondents have followed the policy of last in first go, there has been no discrimination and as such the policy is not ¹⁴ violation of Article. Specifically the averment of the respondents is that the applicant was ^{in the} juniormost and no juniors ~~could~~ have been retained as Packers. The applicant has not indicated who is the junior who has been retained as Packer in Meerut.

6. In absence of any documentary evidence and specific denial on the part of the respondents, it is evident that no juniors have been retained. In view of foregoing, we do not find any reason for interfering in this matter.

7. In view of the foregoing, we find no merit in his application and the same is dismissed ~~at the admission stage itself~~. The parties shall, however, bear their own costs.


Member (J)


Member (A)

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