

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 18th day of May, 2001.

Original Application No. 111 of 1999.

CORAM :-

Hon'ble Mr. SKI Naqvi, J.M.

Vinod Kumar Gambhir S/o  
Shri H.R. Gambhir,  
Resident of 568/3, Premgang,  
Sipri Bazar, Jhansi.

(Sri R.K. Nigam, Advocate)

..... Applicant

Versus

1. The Union of India through the General Manager, Central Railway, C.S.T. Mumbai (Maharashtra)
2. The Divisional Railway Manager, Central Railway, Divisional Office, Jhansi.

(Sri A.K. Gaur, Advocate)

..... Respondents

O R D E R (O\_r\_a\_1)

By Hon'ble Mr. SKI Naqvi, J.M.

The applicant has come up impugning Annexure-A-1 to the OA dated 8-7-1998 which is Office Memo. and according to which the applicant has been transferred to Engineering Section with the mention that in the earlier order there <sup>is</sup> erroneous entry showing him in the Budget Section.

2. The respondents have contested the case with specific pleading that the applicant was initially posted in the Engineering Section but by clerical mistake he has been shown in the cadre of Budget Section and that mistake has been rectified by the impugned order and,

*✓*

therefore, he has no cause of action to pursue.

3. Heard learned counsel for the parties and perused the record.

4. In this matter the most controversial document is the initial appointment letter of the applicant which has been annexed as Annexure-A-2 to the OA and Annexure-CA-1 to the counter reply. In Annexure-A-1 to the OA there is mention, "please reach immediately BSR/JHS in order to resume duties" whereas Annexure-CA-1 supposed to be the copy of the same document mentions the same thing else. The copy filed with the counter reply is not legible enough to make out the actual handwritten entry in the last paragraph of this document that is the most important paragraph, but the learned counsel for the respondents mentions that it is DRM(W) Jhansi which the learned counsel makes out from the counter reply. It makes the ~~pro~~position very fluid and requires its probe by the competent authority in the respondents' establishment.

5. With the above position in view the OA is decided with the following direction.

6. The D.R.M.(P), concerned, to go through the relevant original records and order issued from time to time and then to pass a fresh order regarding place of initial posting of the applicant, his present posting, his service status as well as the position in the cadre seniority. It be done within three months from the date of communication of this order. Decided accordingly. Until then status quo will be maintained. There shall be no order as to costs.

*S. C. Dube*  
Member (J)

Dube/