

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 9th day of April, 2001.

Original Application No. 482 of 2000.

CORAM :-

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

Hon'ble Maj Gen KK Srivastava, A.M.

Arvind Singh

Son of Sri R.K. Singh,

Resident of Qr.No.1033/CD, Gaya Colony,

Mughalsarai,

District-Chandauli.

(Sri SK Dey/Sri SK Mishra, Advocates)

. . . . . Applicant

Versus

1. Union of India through  
The General Manager,  
Eastern Railway, Calcutta.
2. The Senior Divisional Personnel Officer,  
Eastern Railway, Mughalsarai,  
District-Chandauli.
3. The Assistant Commercial Manager,  
Eastern Railway, Mughalsarai,  
District Chandauli.

(Sri KP Singh, Advocate)

*SK* . . . . . Respondents

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O R D E R (Oral)

Hon'ble Mr. S.K.I. Naqvi, Member-J.

The applicant has come up impugning order dated 16.10.1998 & 28.04.2000, through which he has been transferred from category of Coach Attendant to the category of Rest Room Bearer.

2. As per the applicant's case, he entered in railway service on 18.07.99 as RPF Constable, but he was declared unfit to work as such, then he was sent for alternative job as Coach Attendant after due selection by screening committee. It was vide order dated 16.10.1998 that without obtaining his consent, he was posted into the category of Rest Room Bearer, which is in the lower scale of Rs. 2610 - 3540 than that of Senior Coach Attendant in the pay scale of Rs. 2650 - 4000. In pursuance of order dated 16.10.1998, respondent no. 3 posted him as Rest Room Bearer vide order dated 28.04.2000. The applicant has come up seeking the relief to the effect that the order dated 16.10.98 as well as order dated 28.4.2000 be quashed. The applicant has sought for relief based on the ground that the orders have been passed without obtaining consent of the applicant and its implementation will amount monetary loss to him for being in the lower pay scale and also for being deprived to CDA @ Rs. 500 permonth which is allowed to Coach Attendant only.

*S. K. I. Naqvi*

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3. The respondents have contested the case and filed counter affidavit mainly on the ground that it was quite within compliance of authority <sup>Sw- ed Sw</sup> concern to post the applicant as Bearer in Rest Room.

4. Heard learned counsel for the rival contesting parties and perused the record.

5. The main contention from the side of the applicant is that he has been shifted from one cadre to the other without giving him the opportunity to exercise his option and, therefore, the impugned order is not tenable.

6. Sri KP Singh, learned counsel for the respondents mentions that four posts of Coach Attendant were held surplus and incumbents thereto were rehabilitated through the impugned order and, therefore, <sup>he</sup> ~~that~~ <sup>Sw- ed</sup> establishment cannot be compelled to retain any employee on the post which is non-existent after having been declared surplus.

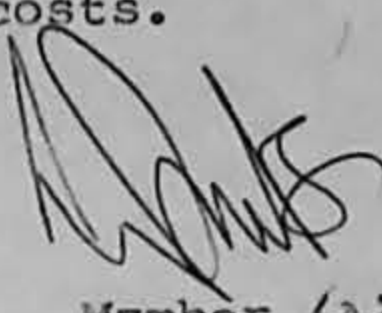
7. A perusal of the impugned order does not support the contention advanced by the learned counsel for the respondents because there is no mention that the post has been declared surplus. Moreover, the purpose of this order has been given to have been passed for administrative reason.

8. For the above it is not possible to uphold the impugned order. The same is quashed accordingly.

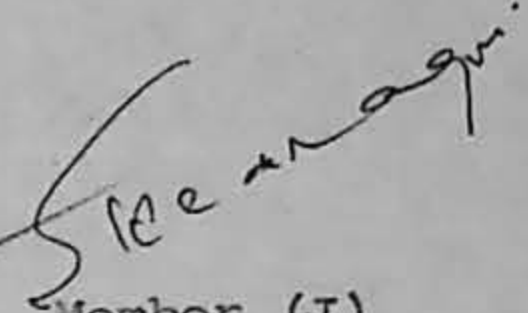
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However, it is open for the respondents to re-examine the whole matter and pass appropriate order as per rules in this regard. The OA is disposed of accordingly. There shall be no order as to costs.



Member (A)



Member (J)

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