

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 110 OF 1991
~~**T.A.NO.**~~

DATE OF DECISION 9.12.1997

Shri D.J. Modha, Petitioner

Mr. Pawan Kumar for Mr. H.G. Pandit, Advocate for the Petitioner [s]
Versus

Union of India & Ors. Respondent s

Mr. R.M. Vin, Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V. Ramakrishnan, Vice Chairman.

The Hon'ble Mr. P.C. Kannan, Judicial Member.

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ? ^{ms}
- 2, To be referred to the Reporter or not ? ^{ms}
- 3, Whether their Lerdships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ? ^{ms}

Shri D.J. Modha,
Hindi Assistant
Divisional Office,
Western Railway,
Bhavnagar Para.

..... Applicant.

(Advocate: Mr. Pawan Kumar for
Mr. H.G. Pandit)

versus.

1. Union of India, notice to be
served through;
General Manager,
Western Railway,
Headquarter Office,
Churchgate, Bombay-20.

2. Divisional Railway Manager (E)
Western Railway,
Bhavnagar Para.

..... Respondents

(Advocate: Mr. R.M. Vin)

ORAL ORDER

O.A.No. 110/1991

Date: 9.12.1997.

Per: Hon'ble Mr. V. Ramakrishnan, Vice Chairman.

We have heard Mr. Pawan Kumar for Mr. H.G. Pandit for the applicant and Mr. R.M. Vin for the respondents.

2. The applicant, who was working as Hindi Assistant in the Hindi Organisation on an adhoc basis in the scale of 1600-2660, had challenged the order dated 7.3.91 as at Annexure A which sought to repatriate him to the post of Head Clerk. He had then contended that he should be allowed to continue as Hindi Assistant in the scale of 1600-2660 and the action of the Department in directing him to appear for selection for the post of Chief Clerk in the same

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scale should be quashed. When he approached the Tribunal in March 1991, the Tribunal by its order dated 5.4.91 stayed the operation of the impugned order dated 7.3.91 as at Annexure A. It now transpires that the applicant has since superannuated from service with effect from 31.5.1993 and by virtue of the interim direction of the Tribunal, he continued to function as only Hindi Assistant till the date of superannuation. In other words his repatriation as sought to be done by the impugned order did not take place while he was in service. In the light of this position, the O.A. has become infructuous.

3. Mr. Pawan Kumar now submits that the applicant should also be regarded as permanent employee in the Hindi unit and should be given consequential benefits. That is not an issue in the present O.A. as such a relief has not been sought for. Mr. Pawan Kumar submits that the applicant will submit a representation to the railways in this regard. It is up to the applicant to take whatever steps he considers necessary and useful and if he does so, the Railway Administration ^{will} no doubt deal with any such representation submitted by the applicant in ^{an} appropriate manner.

4. With the above observation, O.A. is disposed of as infructuous. No costs.

P. Kannan
 (P.C. Kannan)
 Member (J)

V. Ramakrishnan
 (V. Ramakrishnan)
 Vice Chairman