

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.261 of 1989

Date of decision : April 20, 1990.

Raghumani Sona ... Applicant
Versus
Assistant Engineer and another ... Respondents

For the Applicant :- Mrs. R. Sikdar and Mr. S.K. Sarangi, Advocates

For the Respondents :- Mr. Ashok Mohanty,
Standing Counsel (Railways)

CORAM :

THE HON'BLE MR. B.R. PATEL, VICE- CHAIRMAN
AND

THE HON'BLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No.
3. Whether Their Lordships wish to see the fair copy of the judgment? Yes.

JUDGMENT.

N. SENGUPTA, MEMBER (J). In this application the prayer of the applicant is for a direction to the respondents to absorb him (the applicant) in the post of Valve Operator. Most of the facts are undisputed in this case. The applicant was appointed as Store Khalasi and was promoted as Upgraded Khalasi. It is also undisputed that the services of the applicant were utilised for doing the work of Valve-operator, at different times of varying durations during the

N. Sengupta
20/4

period from 1981 to 1987. The applicant made some representation to appoint him as Valve Operator, but in 1987 he was informed that as he in his present post was given higher emoluments and the scale of pay attached to the post he ~~presently holds~~ being much higher, he ~~cannot~~^{could} be posted as Valve Operator nor ~~can~~^{would} he be absorbed therein the scale of pay of which ~~was~~ lower. However, it is the case of the respondents that the applicant was asked to give his option to come over to the post of Valve Operator which he has not yet done.

2. We have heard Mr. S.K.Sarangi for the applicant and Mr. Ashok Mohanty for the respondents. Mr. Ashok Mohanty submits that the department has no objection to absorb the applicant in the post of Valve Operator if he gives in writing to come over to that post and accept the scale of pay attached to that post. We do not find the proposal of Mr. Mohanty to be unreasonable, the choice lies with the applicant. We would dispose of this application by observing that the applicant may be absorbed on his giving in writing an option to join as Valve Operator in the scale of pay attached to that post. The writing containing the option should be submitted to the authorities within a month hence and the department i.e. the respondents must dispose of the same within two months thereafter.

3. The application is disposed of as indicated above.
No costs.

K. S. Sarangi 20.4.90
.....
VICE-CHAIRMAN



M. S. Gupta 20/4/90
.....
MEMBER (JUDICIAL)