

18-

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No. 275 of 1989

Date of decision 29th November, 1989.

1. Gayadhar Puhan, S/o Late Banchanidhi Puhan
Working as Movement Inspector, Regirdering,
South Eastern Railways, Cuttack Station, Cuttack.
a permanent resident of village-Isanpur, P.O.
Keshpur, District -Balasore

..... Applicant

-Versus-

1. Union of India, represented through its
General Manager, South Eastern Railway
Garden Reach, Calcutta.

2. Divisional Railway Manager, Khurda
Road Division, Khurda Road South Eastern
Railway, At/P.O. Jatni, Dist. Puri.

3. Deputy Chief Engineer (Construction)
South Eastern Railway, Cuttack
Post/District-Cuttack.

4. District Engineer, Regirdering
South Eastern Railway, Cuttack Station,
Cuttack, Post/Dist. Cuttack.

..... Respondents

For the Applicant : M/s. P. Palit, B. Mohanty
S. P. Patnaik, S. Mohanty &
A. K. Kanungo, Advocates

For the Respondents : M/s. B. Pal, Sr. Standing
Counsel, Railway Administra-
tion & O. N. Ghosh

C O R A M :

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 judgement ? Yes

2. To be referred to the Reporters or not ? No

3. Whether Their Lordships wish to see the fair
copy of the judgement ? Yes.

Hg

:- JUDGEMENT :-

B.R.PATEL, VICE-CHAIRMAN

The material facts, stated in brief, are that the applicant was working as Deputy Chief Yard Master attached to Khurda Road under the South Eastern Railway, Khurda Road and was posted on deputation as Movement Inspector under the District Engineer Regirdering/Cuttack in his existing capacity and scale of pay vide Annexure-1. His job as movement Inspector is to superivse the movement of Ballast trains. After about 6 months the South Eastern Railway passed an order vide office order No.41 of 1989 releasing him from regirdering in Organisation vide Annexure-R/1. The applicant has challenged this order on the ground that it has been passed after retaining him only for 6 months and that there is still work for which the presence of the applicant in the regirdering Organisation is necessary. The Respondents in their counter maintain that due to stoppage of regirdering works and for observing economy they proposed to abolish the post in the Regirdering Organisation. So there was no necessity for the continuance of the applicant in the regirdering Organisation.

2. We have heard Mr.B.Mohanty, learned Counsel for the applicant and Mr.B.Pal, learned Senior Standing Counsel for the Railway Administration and perused the relevant documents. Mr.Mohanty has strenuously argued that transfer of the applicant within 6 months caused him great hardship and that there being worked of regirdering in Birupa Bridge, there was absolutely no occasion to abolish the post. Mr.Pal, on the other hand has drawn our attention to paragraph 5, 6 and 8 of the counter and has contended that there being much less work of Regirdering, Railway Adminstration do not consider

B.M.

it necessary to continue the post of Movement Inspector and that
 Also according to Mr. Pal there could be abolition of the post.

This being an Administrative matter, the Tribunal has no jurisdiction to interfere. After having heard both the sides we have come to the conclusion that whether there is no work for the Movement Inspector for the Railway Administration we are not in a position to decide or to say that there is justification for the ^{applicant} application to continue in the Regirdering Organisation. There being no malafide on the part of the Railway Administration we do not want to interfere. As such the application stands dismissed. Stay is accordingly vacated.

Thus, the application is dismissed, leaving the parties to bear their own costs.

N. SENGUPTA, MEMBER (JUDICIAL)

I agree



.....
VICE-CHAIRMAN

.....
K. Mohapatra
29.11.89
MEMBER (JUDICIAL)

Central Administrative Tribunal,
 Cuttack Bench, Cuttack
 29th November, 1989/Mohapatra