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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No.137 of 1990.

Date of decision : November 20, 1990.

R.H.Samantray and others ... Applicants.

Versus

Union of India and others ... Respondents.

For the applicant ... M/s.G.A.R.Dora,  
U.C.Mohanty, Advocates.

For the respondents ... M/s.B.Pal,  
O N.Ghosh, Advocates.

C O R A M :

THE HONOURABLE MR. B.R.PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. N.SENGUPTA, MEMBER (JUDICIAL)

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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.

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J U D G M E N T

B.R.PATEL, VICE-CHAIRMAN, In this case there are 9 applicants. They are working in Mancheswar Carriage Repair Workshp. 8 of them were initially appointed as Khalasi and one as Dak Runner. They have all been promoted on ad hoc basis as Khalas Helper and further promoted as skilled Workers Grade III except applicant No.4 who hasbeen further promoted to Grade II with effect from 22.8.1987. They have now been reverted to the lower grade with effect from 11.4.1990 vide Annexure-A/1 to the application. It is against this order of the Administration that the applicants have moved



the Tribunal for relief.

2. The Railway Administration in their written reply have averred that since there are no sanctioned posts it was not possible for the Administration to keep them in the promotional posts and as such they have been reverted.

3. We have heard Mr.G.A.R.Dora, learned counsel for the applicant and Mr.B.Pal, learned Senior Standing Counsel (Railways) for the respondents and perused the papers. Mr.Dora has averred that there is no question<sup>of</sup>/winding up of the workshop as the First Phase of the Project has since been completed and the second phase has started and the question of sanction is a mere formality and non-sanction of posts is hardly any ground to revert the applicants. Mr.Pal has, on the other hand, contended that the second phase of the Project is yet to start and that no sanction has yet been received from the competent authority, i.e. the Railway Board. Mr.Dora has placed before us Annexure. A/2 which is a letter from the Chief Electrical Engineer dated 11.1.1990. In this letter it has been mentioned that those staff who are desirous to go to T.T.organisation may be released keeping their lien in MCS Workshop. He has also placed before us Annexure-A/3 , a letter issued by the Chief Electrical Engineer, Barden Reach dated 29.1.1990. In this letter it has been suggested that the Nagpur Division is prepared to accept the willing candidates after proper screening under TRD. He has submitted that the applicants are allwilling to be absorbed under that organisation.Mr.Pal has however said that due to local resentment it has not been possible to send people from

*B. Pal*

outside to Nagpur for absorption in such organisation and they will have to wait sanction from the Railway Board. We have noted that the applicants have been promoted to various grades on ad hoc basis. [Admittedly, there are no promotional posts available and the Administration finds it difficult to continue them further without sanctioned posts. We, therefore, do not like to interfere in the decision taken by the Administration but we however direct that as and when sanction is available in the promotional posts the cases of these applicants should first be considered for appointment against those vacancies in view of the experience they have acquired in the meantime.]

4. The case is accordingly disposed of. No costs.

*The stay order is automatically vacated.*

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Member (Judicial)

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Vice-Chairman

Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
November 20, 1990/Saranghi.

