

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL:
CUTTACK BENCH, CUTTACK.

Original Application No.138 of 1990

Date of decision: November 20, 1990.

K.C.Parida and others ...

Applicants.

Versus

Union of India and others ...

Respondents.

For the applicants... M/s.G.A.R.Dora,

U.C.Mohanty, Advocates.

For the respondents ... M/s.B.Pal,

U.N.Ghosh, Advocates.

CORA M:

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

A N D

THE HONOURABLE 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

B.R.PATEL, VICE-CHAIRMAN, In this case there are three applicants. They were promoted on ad hoc basis to the rank of Khalasi Helper and they have since been reverted to the lower post ~~as of~~ ^{as at} Khalasi vide office order dated 11.4.1990 ~~vide~~ ^{by} Annexure-A/1. The applicants have challenged this order in this case and they have moved the Tribunal for orders for quashing this order of the Railway Administration.

2. The Railway Administration in their written reply have averred that since there are no sanctioned posts it was

Arshad

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 of 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. 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, Garden 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 all willing 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 outside to Nagpur for absorption in such organisation and they will have to wait sanction from the Railway Board. We have

Arundhati

(13)

noted that the applicants have been promoted to the next higher grade 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.

Member (Judicial)
.....
Member (Judicial)

20.11.90
.....
Vice-Chairman

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

