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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.**

**Original Application No.98 OF 2003
Cuttack, this the 30th day of August,2005.**

SK. ABDUL SATAR APPLICANT

VERSUS

UNION OF INDIA & ORS. RESPONDENTS.

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? *75*
2. Whether it be circulated to all the Benches of CAT or not? *75*

B.N.SOM
(B.N.SOM)
VICE-CHAIRMAN

9/20/08/05
(M.R.MOHANTY)
MEMBER(JUDICIAL)

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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH:CUTTACK**

ORIGINAL APPLICATION NO.98 OF 2003

Cuttack this the 30th day of Aug' 2005

CORAM:

**THE HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI M.R.MOHANTY, MEMBER(JUDICIAL)**

Sk.abdul Satar aged about 42 years son of late Sk.Sultan, dedsignated as Station Master at Byree Railway Station under Sr.Divisional Operations Manager, S.E.Rly., Khurda Road at present residing at and PO:Byree, Dist-Jajpur

Applicant

By the Advocates

Mr.Achintya Das

-VERSUS-

1. General Union of India service through Manager, S.E.Railway, Garden Reach, Kolkata-43
2. Member Staff, Railway Board, Rail Bhavan, New Delhi
3. Chief Personnel Officer, S.E.Railway, Gardn Reach, Kolkata, PIN 700043
4. Divisional Railway Manager, S.E.Railway, Khurda Road, PO-Jatni, Dist-Khurda, PIN 752050
5. Sr.Divisional Personnel Officer, S.E.Railway, Khurda Road, PO-Jatni, Dist-Khurda, PIN-752050

Respondents

By the Advocates

MS. S.L. Pattnaik,ASC

ORDER

MR.M.R.MOHANTY, MEMBER(JUDICIAL):

This Application under

Section 19 of the A.T.Act, 1985 is directed against the order dated 3.2.2003 under

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Annexure-A/3; whereby the applicant has been reduced to the scale of Rs.3050-4590/- from Rs.5000-8000/-. It is the case of the Applicant that having been selected, he was promoted as Station Master and posted at Byree Railway Station on regular basis, against a permanent vacancy in the pay scale of Rs.5000-8000/- under Annexure/A/1 dated 13.7.1998 and that, while working as such, he was declared medically unfit and in the said circumstances, the Respondents have posted him as Junior Clerk in Electrical/TRD Department in the lower pay scale of Rs.3050-4590/- than the former and hence this application.

2. The Respondents have filed a counter; to which a rejoinder has been filed by the Applicant.

3. We have heard the learned counsel appearing for the parties and perused the materials placed on record. The Respondent-Railways at Para-3 of their counter have stated as under:

“...The applicant was allotted to Electric (TRD) Department Clerk basing on the available vacancies in Electric (TRD) Department vide Office Order No.P/R/Med. Decatg./Gr.-C/Alt Absp. Dated 3.2.2003. In terms of office order No.P/KUR/TRD/11/03 dated 17.2.2003 the applicant posted as Jr.Clerk under SSE (TRD) KUR. Though he was posted as Jr.Clerk he is being allowed the pay scale of Rs.5000-8000/- i.e., the scale he was drawing prior to his medically de-categorization. Thus there has been no reduction in the emoluments of the applicant. He has joined in the said post and also drawing the same rate and scale of pay as he was drawing prior to his medical de-categorization”.

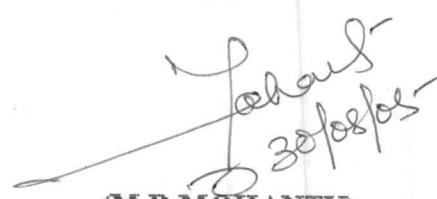
4. No material has been placed by the Applicant to rebut the above noted averments of the Respondents and, therefore, we are of the view that the pay of the



Applicant (on his deployment by the reason of his medical decategorization) has been fully protected by the Respondents and, in effect, no prejudice has been caused to him.

6. Having regard to what has been stated in the counter (as extracted above), we find no merit in this application, which is accordingly dismissed. No costs.


(B.N.SOM)
VICE-CHAIRMAN


(M.R.MOHANTY)
MEMBER(JUDICIAL)