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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

O.A.No. 69 of 2004

Cuttack, this the 09th day of December 2005

Rabinarayan Mohanty Applicant

Vrs.

Union of India and others Respondents

FOR INSTRUCTIONS

- 1) Whether it be referred to the Reporters or not?
- 2) Whether it be circulated to all the Benches of the Central Administrative Tribunal or not?

~~(M.R.MOHANTY)~~
~~MEMBER(JUDICIAL)~~

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

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CENTRAL ADMINISTRATIVE TRIBUNAL,
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CORAM:

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

Rabinarayan Mohanty, aged about 50 years, son of late Raghab Chandra Mohanty, presently working as Head Clerk, Office of the Chief Electrical Engineer (Construction), East Coast Railway, Bhubaneswar, Dist.Khurda
.....
Applicant

Advocates for applicant - M/s A.Kanungo, S.R.Misra,
M.K.Biswal, S.K.Kar.

Vrs.

1. Union of India, represented through General Manager, East Coast Railway, Chandrasekhpur, Bhubaneswar, At/PO/Dist. Khurda.
2. Chief Personnel Officer, East Coast Railway, Chandrasekhpur, Bhubaneswar, At/PO/Dist.Khurda.
3. Chief Administrative Officer ©, East Coast Railway, Chandrasekhpur, Bhubaneswar, At/PO/Dist.Khurda.
4. Dy.C.P.O. (Cons.), East Coast Railway, Chandrasekhpur, Bhubaneswar, At/PO/Dist.Khurda.
5. Dy.Chief Electrical Engineer (Construction), East Coast Railway, Chandrasekhpur, Bhubaneswar, At/PO/Dist.Khurda.
6. Divisional Railway Manager, East Coast Railway, Chandrasekhpur, Bhubaneswar, At/PO/Dist.Khurda.....Respondents

Advocate for Respondents - M/s R.C.Rath & Ashok Mohanty

ORDER

SHRI B.N.SOM, VICE-CHAIRMAN

Shri Rabinarayan Mohanty, presently working as Head Clerk in the office of Chief Electrical Engineer (Construction), East Coast Railway, Bhubaneswar, has filed this Original Application challenging the order No.103/2004 dated 16.2.2004 passed by Respondent No.4 reverting him to a lower post, the same being illegal, arbitrary and contrary to law because a stay order is operating against his reversion in OA No.242 of 2001.

2. The undisputed facts of the case are that the applicant was absorbed in Open Line in Group D category in his turn and was confirmed in the said post with effect from 15.9.1979. Later on the applicant was transferred on deputation to Construction Organization keeping his lien in the parent Division under the Open Line. While working in Construction Organization, he was given successive ad hoc promotions. He was promoted as ad hoc Junior Clerk in the year 1985, as ad hoc Senior Clerk in 1987, and as Head Clerk in 1997. At the same time, the Respondent-organization by its order dated 19.9.1985 decided that ad hoc promotion should not be allowed for a long stretch of time and later on, in 1988 by issuing Estt. Srl.No.144/88 dated 9.6.1988 ordered that the person deputed



to Construction Organization would be granted ad hoc promotion one grade above the substantive grade only. In consideration of the above policy direction, the General Manager, S.E.Railway, by his order dated 8.5.2000, directed all concerned to review the cases of ad hoc promotions carried out in the Construction Organization and this resulted in reversion of persons enjoying more than two ad hoc promotions and this order affected the applicant also.

3. The applicant had earlier challenged the order of his reversion to the post of Senior Clerk with effect from 18.6.2001 in OA No. 242 of 2001. And in this O.A. he challenges the order dated 16.2.2004 reverting him to the post of Junior Clerk (Rs.3050-4590).

4. The Respondents admit that the Tribunal by its order dated 22.6.2001 had stayed the impugned order dated 14.6.2001 till 12.7.2001. They have, however, clarified that the said interim order was not extended beyond 12.7.2001. Thereafter when the matter came up for hearing on 31.7.2001 at the behest of the applicant, he also did not make a prayer for further extension of the interim order of stay, which had by that time lapsed. Those being the facts of the case, the Respondents have submitted that they had made his reversion order dated 14.6.2001 effective and that he already stands reverted to the grade of Senior Clerk. The Respondents have



further submitted that when the matter stood thus, a large number of applications, which were pending before this Tribunal, challenging similar order of reversion, were heard by this Tribunal, which by its order dated 21.12.2001 passed in OA Nos. 320 to 323 and 569 of 2000 vacated the interim order of reversion of the applicants in all those cases. Further, all the aforementioned O.As. were disposed of by the Tribunal by its order dated 21.3.2002 holding that no direction can be issued to the Respondents compelling them to regularize any of these employees in the Construction Organization of the Railway so far as staff deputed from the Open Line to construction Organization are concerned. In the meantime finding no impediment on the part of the Railway to take steps for reversion of the applicant, he was reverted by order dated 6.2.2004 to the post of Junior Clerk in the Construction Organization and the said order was given immediate effect by relieving the applicant from the post of Head Clerk on 20.2.2004.

5. From the above facts of the case it is clear that the applicant already stands relieved from the post of Head Clerk with effect from 20.2.2004 and has been reverted to the post of Junior Clerk (Annexure A/5) dated 16.2.2004. As the reversion has taken place on account of policy decision taken by the Respondents and as his reversion to the grade of Junior



Clerk apparently is in consonance with that policy decision, nothing survives
in this O.A. for adjudication which is accordingly disposed of. No costs.

~~(M.R.MOHANTY)~~
~~MEMBER (JUDICIAL)~~

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