

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No. 519 of 2002
Cuttack, this the 26th day of July, 2004

Janakar Patra Applicant
Vs
Union of India and Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? AO
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? AO

Mohanty
26/07/04
(Mr. M.R.MOHANTY)
MEMBER (J)

Subarna
(Mr. B.N.SCM)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

Original Application No.519 of 2002

Cuttack, this the 26th day of July, 2004

CORAM:

HON'BLE SHRI B.N.SQM, VICE-CHAIRMAN

AND

HON'BLE SHRI M.R.MOHANTY, MEMBER (JUDICIAL)

.....

Janakar Patra, aged about 42 years, S/o. Banambar Patra of
vill-Gadakana, P.O. Mancheswar, P.S. Bhubaneswar, District-
Khurda. Presently serving as Junior Clerk in Mancheswar
Carriage Repair Workshop, At/P.O. Mancheswar, District-
Khurda.

..... Applicant

Advocates for the applicant - M/s Aswini Kr. Misra,
J. Sengupta, D.K. Panda,
P.K.J. Dash, G. Sinha

Vs.

1. Union of India, represented through the General Manager,
South Eastern Railways, Garden Reach, Calcutta-43.
2. Chief Workshop Manager, Carriage Repair, Work shop,
Mancheswar, Bhubaneswar.
3. Work Shop Electrical Engineer, Carriage Repair Workshop,
Mancheswar, Bhubaneswar, Dist. Khurda.

..... Respondents

Advocate for the Respondents - Mr. D.N.Misra

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ORDER

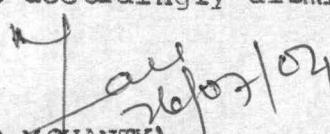
SHRI B.N.SQM, VICE-CHAIRMAN

This O.A. has been filed by Sri Janakar Patra with a prayer to issue a direction to the Respondents to pay him his salary for the period 27.11.99 to 12.11.2000 in the scale of pay of Jr. Clerk. The Applicant referring to an order of this Tribunal dated 15.10.99 passed in O.A. No. 552/99, submitted that the Tribunal, by the said order had allowed the Applicant to continue in the grade of Jr. Clerk which he was holding on ad-hoc basis from 1984 and that he should not be reverted if ^{he} had not been reverted in the mean-time. The fact of matter was that the Respondents had issued an order of reversion in respect of this Applicant on 12.10.99 which he had carried before the Tribunal for stay and after considering his application the Tribunal had passed the said order dated 15.10.99 as stated earlier. It is on the strength of this order that the Applicant had been claiming that the Respondents had merely issued a paper order which was never executed in reality. He has also drawn our notice to his letter dated 29.11.99 (Annexure-3) and to another office note dated 29.11.99 issued by Workshop Electrical Engineer/MCW. However, the Respondents had been denying that the Applicant had not been reverted and that he has been working as a Jr. Clerk.

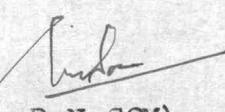
2. The Respondents, on the other hand, alleged that

after his reversion order was issued, the Applicant had remained away from duty and he was absent without leave. We had called for the Service Book of the Applicant to know whether the reversion order was actually implemented. The Lt. Standing Counsel of Railways, Mr. D.N.Misra today produced before us the Service Book of the Applicant and drew our notice to the relevant page of the Service Book containing entry dated 12.10.99 where it was noted that the Applicant had been reverted to the post of Khalasi in the scale of Rs. 2550-3200 w.e.f. 12.10.99 and that his pay was also fixed in terms of 5th Central Pay Commission's Recommendation as on 1.1.96 and his pay was further fixed w.e.f. 12.10.99 in the scale of Rs. 2550-3200. After referring to the Service Book and considering the submission made by the Lt. Standing Counsel, we have no doubt in our mind that the Applicant had actually been reverted to the grade of Khalasi; consequent on the order passed to that effect on 12.10.99 and that order was executed before we passed our order dated 15.10.99.

3. In the aforesaid premises, this O.A. is misconceived, which is accordingly dismissed. No costs.


(Mr. M.R. MCHANTY)

MEMBER (JUDICIAL)


(Mr. B.N. SQM)

VICE-CHAIRMAN