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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

**O.A.No.97 of 2013**

Cuttack this the 18<sup>th</sup> day of March, 2014  
CORAM  
HON'BLE SHRI R.C.MISRA, MEMBER(A)

Gurudas Paul  
Aged about 49 years  
S/o.late Tulasidas Paul  
A P.C.R.Compressor Driver-cum-Mechanic-II,  
Office of Deputy Chief Engineer/Construction/  
E.Co.Rly/JJKR  
Permanent Resident of Vill-Dasarathapalli  
PO-Siligudi  
Dist-Darjiling  
West Bengal

...Applicant

By the Advocate(s)-M/s.N.R.Routray  
T.K.Chaudhury  
S.K.Mohanty  
J.Pradhan

-VERSUS-

Union of India represented through

1. The General Manager  
East Coast Railway  
E.Co.R.Sadan  
Chandrasekharpur  
Bhubaneswar  
Dist-Khurda
2. Chief Personnel Officer/East Coast Railway  
2<sup>nd</sup> Floor, South Block, E.Co.R.Sadam, Mancheswar  
Bhubaneswar, Dist-Khurda
3. Senior Personnel Officer/Con./Co-ordination  
E.Co.Rly, Rail Vihar  
Chandrasekharpur,  
Bhubaneswar  
Dist-Khurda

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4. Deputy Chief Engineer/Construction/East Coast Railway  
Jajpur Keonjhar Road  
At/PO-Jajpur Road  
Dist-Jajpur
5. Senior DEN/Co.Ordn./East Coast Railway  
Khurda Road Division  
At/PO-Jatni,  
Dist-Khurda
6. Senior Divisional Personnel Officer/E.Co.Rly/Khurda Road Division  
At/PO-Jatni  
Dist-Khurda

...Respondents

By the Advocate(s)-Mr.S.K.Ojha

ORDER

R.C.MISRA, MEMBER(A):

Applicant is working as a Compressor Driver cum Mechanic, Gr.II in the Office of Deputy Chief Engineer(Construction), East Coast Railways. He has approached this Tribunal making a prayer that the order of transfer dated 19.9.2012 and the order of rejection dated 21.1.2013 passed in compliance of the earlier order of the Tribunal in O.A.No.922 of 2012 may be quashed in so far as applicant is concerned and the Respondents be also directed to allow the applicant to discharge his functions under Res.No.4, i.e., Deputy Chief Engineer/Constructions/East Coast railways, Jajpur Keonjhar Road.

2. Brief facts of this case are that the applicant initially joined the S.E. Railways on 2.12.1989 as a casual Compressor Driver cum Mechanic and later on was conferred with temporary status with effect from the same



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date. His services were regularized as Compressor Driver cum Mechanic with effect from 14.5.1993. While working as Compressor Diver cum Mechanic, Gr.III he was also given the promotion to the post of Compressor Driver cum Mechanic, Gr.II on ad hoc basis with effect from 1.12.1991. His pay scale also was revised on the basis of the recommendations of 5<sup>th</sup> CPC as well as the 6<sup>th</sup> CPC and at present he is in the scale of pay in PB-1 Rs.5200-20,200 with GP Rs.2400/- . Though he had completed more than 20 years of qualifying service, yet, Respondents are not granting him the 2<sup>nd</sup> financial upgradation by taking into account 50% of temporary status and 100% regular service as of June, 2011. In the meantime, vide an order dated 19.9.2012, he was repatriated along with others from the Construction Division to the lien Division, i.e., KUR. Applicant is aggrieved by this order, because he claims to be a PCR employee of the Construction Organization and he was not on deputation to the Construction Organization having his lien with his parent organization. His case is that being a PCR employee, he is not liable for repatriation to any other organization. He has also made a claim that he should be granted 2<sup>nd</sup> financial upgradation under the MACP scheme in the Construction Organization. He made a representation in this regard to the Chief Personnel Officer, East Coast railways, who is Res.No.2 in this case incorporating his grievances on 10.12.2012, but without waiting for the disposal of his representation, he approached this Tribunal by filing O.A.No.922 of 2012. This O.A. was disposed of by this Tribunal by an order

dated 18.12.2012 in which a direction was issued to Res.No.2 to consider the pending representation of the applicant and communicate the decision through a speaking order. In compliance with the above direction of the Tribunal, Respondent No.2 vide speaking order dated 22.1.2013 rejected the claim of the applicant. Thereafter applicant has filed the present O.A. in which order of rejection dated 22.1.2013 and the order of transfer dated 19.9.2012 in so far as applicant is concerned have been challenged.

3. Applicant has asserted that he is a PCR staff and therefore, Construction Organization is his parent organization. In view of this fact, he is not on deputation from any other unit or Division and therefore, the order of repatriation is bad and illegal. He also has further challenged the competency of Respondent No.2 in issuing the order of transfer. It is his grievance that because of repatriation to open line, he will suffer financial loss in terms of his pay scale and his eligibility for 2<sup>nd</sup> financial upgradation under the MACP scheme will also be jeopardised. His further case is that the speaking order dated 22.1.2013 is not a well-reasoned order as it does not amount to proper compliance of the orders of this Tribunal in the previous O.A.No.922/2012.

4. By filing a counter reply Respondents have challenged the case made out by the applicant. They have defended the order of repatriation. It is mentioned that there was a scheme floated by the Railways to regularize the temporary status employees by way of creating specific percentage of PCR posts as against the unit strength. Initially, it was 40% as against the

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strength and subsequently, it was increased to 60%. Persons continuing in the Construction Organization and acquired temporary statuses are eligible to be considered on seniority basis for their regularization as against the PCR Posts. In the absence of any regular posts against any particular cadre or grade, all such persons are only considered against the PCR cadre for Group-D posts. Since the strength of the unit depends upon the availability of work and funds allotted for work, the strength of the employees also fluctuates from time to time. It was therefore, difficult to maintain the absolute ratio of 60% in respect of PCR employees for which a policy decision was taken by the Railway Board to fix up the lien of all regular employees in the open line. According to this policy decision, the Railway Board vide letter dated 20.6.2002 circulated RBE No.61/2002 decided to fix lien in the open line so that they will not suffer in the matter of seniority and promotion. In pursuance of this policy decision, order at Annexure-A/5 has been issued on 19.9.2012 by virtue of which applicant and also other construction staff have been repatriated to the lien division. The lien of the applicant has been fixed with Khurda Road Division. In the order of repatriation dated 19.9.2012, it has been specified that due to shortage of work no more employees are required in the unit and accordingly, 16 posts are to be treated as surrendered in the Construction Organization as no staff will be taken because of shortage of work. Therefore, Annexure-A/5 is not an order of transfer, but an order of repatriation which is consequent upon the policy decision of the Railway Board. Hence, the plea of the

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applicant that he has been transferred illegally is not acceptable. Since no further work was available and there was always apprehension of retrenchment, a policy decision was taken to fix the lien of the PCR staff in the open line for protecting their seniority and promotion and also to save them from possible retrenchment. It is further argued in the counter affidavit that the applicant has not challenged the order of the Railway Board dated 20.6.2002 in RBE No.61 of 2002 on the basis of which repatriation order has been passed. Therefore, the present O.A. is also not maintainable.

5. Applicant has also filed a rejoinder to the counter reply. He has brought to the notice of the Tribunal letter dated 9/10.5.2012 issued by the Sr. Personnel Officer(Con)/Co.Ord., East Coast Railways, Bhubaneswar addressed to the Divisional Railway Manager (P), East Coast Railways in which the subject of fixation of lien of PCR staff in the East Coast Railways presently working under CAO@/BBS in the open line has been discussed. It has been mentioned in this letter that in terms of Railway Board instructions (RBE No.61/2002), it was envisaged to do away with the concept of Permanent Construction Reserve (PCR) posts and provide lien to the existing PCR staff in the open line and ensure their future promotion prospects. It is also mentioned therein that this was not implemented in the East Coast Railways so far. Thereafter, in the body of this letter certain directions were issued to take action to fix the lien of the repatriated staff and amalgamate their seniority in the concerned Division. Certain principles

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and guidelines were laid down in this letter. It is the case of the applicant in his rejoinder that this letter filed at Annexure-R/2 has not been acted upon so far by the East Coast Railways and the principles laid down in this letter have also not been implemented. However, in respect of the applicant, order at Annexure-A/5 which is under challenge has been issued without any authority. In the rejoinder the prayer has further been reiterated that the order of repatriation under Annexure-A/5 so far as applicant is concerned and the order of rejection of his representation filed at Annexure-A/8 should be quashed since they are not sustainable in the eye of law.

6. Learned counsel for the applicant and the learned Panel Counsel for the Railways have submitted their respective written note of submissions also after hearing in the matter was concluded.

7. Learned counsel for the applicant has submitted in his written note of submission that the applicant was never given any opportunity to exercise his option regarding fixation of his lien. Further, the Chief Personnel Officer of the East Coast Railways is the competent authority to pass the order of repatriation whereas in the instant case, letter dated 9/10.5.2012 at Annexure-R/2 issued by Res.No.3, Senior Personnel Officer(Construction) and addressed to Res.No.6, Senior Divisional Personnel Officer, East Coast Railways. It is the further case of the applicant that the mention in the order of repatriation that 16 posts of Construction Organization were surrendered indicates that those are permanent posts

  
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and the applicant was not working against in any work charge post in the Construction Organization. Therefore, it is asserted by the learned counsel for the applicant that applicant is a permanent staff of the Construction Organization and is not liable to repatriated.

8. On the other hand, learned Panel counsel for the Respondents in his written note of submission has asserted that by claiming that he is a permanent staff of the Construction Organization, applicant has suppressed the fact of issue of Railway Board's Circular and the office orders issued at Annexure-R/1 and R/2 to the counter. It is alleged by the learned Panel <sup>Counsel</sup> R that applicant has wrongly called the order of repatriation as an order of transfer in order to mislead the Tribunal and therefore, he should not be given any relief in view of the settled law laid down by the Hon'ble Apex Court. In *Abhudaya Sanstha vs. Union of India & Ors.* Reported in 2011(4) Supreme 148, Para-16, which inter alia laid down that the applicant has not approached the Court of law with clean hands and succeeded in polluting the stream of justice by making patently false pleadings. Applicant has not challenged the basic order which is there at Annexure-R/2 by which his lien was fixed in the open line. He is a deputationist in the Construction Organization on the basis of the Railway Board's decision at Annexure-R/1 and therefore, his continuance in the borrowing Department is always dependent upon the decision either of the parent or the borrowing Department. It is the settled principle of law laid down by the Hon'ble Apex Court in *Kunal Nanda vs. Union of India & Ors.* reported in 2000(2) SCSLJ 82

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that a deputationist has no right to continue in the borrowing Department for all times to come. Apart from that the Hon'ble Apex Court in the case of Union of India & Ors. Vs. S.L. Abas reported in AIR 1993 SC 2444 has held that who should be transferred and posted where is the administrative prerogative of the appropriate authority to decide. Learned counsel for the Respondents has further submitted in his written note of submission that in the present case though it is a fact that the initial appointment of the applicant is in the Construction Organization his continuance in the same organization will depend upon the budgetary provision, allocation of funds and declaration of new projects and in case these factors are not available the employees under the Construction Organization are under the threat of retrenchment. Therefore, the Railway Board took a policy decision to fix lien of all construction employees with the open line since they will not suffer in the event of closure of construction work or project work. Applicant has not challenged this policy decision of the Railway Board and therefore, cannot challenge fixation of his lien or the order of repatriation to the open line. On these grounds, learned Panel counsel for the Respondents has prayed that the O.A. being devoid of merit is liable to be dismissed.

9. I have heard the learned counsel for both the sides in extenso and also perused the records in this matter. In order to decide the matter, first of all, it is required to deal with the impugned orders. Order dated 19.9.2012, which is filed at Annexure-A/5 has fixed lien of the applicant in

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Khurda Road Division on his repatriation from the Construction Organization. Including him, it appears that 16 such persons have been repatriated and it is mentioned that these 16 posts will be treated as surrendered from the Construction Organization as no further staff will be taken <sup>order</sup> against them. The other impugned is at Annexure-A/8 dated 21/22.1.2013, which is a speaking order disposing of the representation of the applicant <sup>as</sup> filed at Annexure-A/6. The disposal of this representation by the speaking order is in compliance of the direction of this Tribunal in O.A.No.922 of 2012 passed on 18.12.2012. The submission of the learned counsel for both the sides brings into the fore the fact that the Railway Board in RBE No.61/2002 dated 20.6.2002 issued instructions regarding review of system of Construction Reserve for non-Gazetted staff. A perusal of these instructions reveal that the percentage of construction reserve was revised to 60% vide Board's letter dated 21.6.1988. This concept was introduced basically to facilitate confirmation of staff which was linked with availability of permanent posts and to expedite regularization of casual labourers engaged in the construction/ project. Later on, a procedure for simplification of confirmation of staff came into effect from 1.1.1989 whereby the confirmation has been delinked from the availability of permanent posts and total ban on engagement of casual labourers has been imposed. <sup>for</sup> From meeting the requirement of construction/projects, work charged posts in regular scale are required to be created against General Charges Establishment or Labour Provisions in the sanctioned

estimates with the concurrence of Associates Finance and the posts filled from amongst open line staff from the Railway /Division in whose territorial jurisdiction the construction project was headquartered. The Railway Board further reviewed the matter and came to the conclusion that taking into account these developments, the concept of Construction Reserve has lost its utility. If any staff happen to continue in the construction/project, without a position/lien in the open line in the appropriate category, immediate action should be taken to provide him the same so that there is no difficulty at the time of his repatriation from the construction/project when the need arises and he does not suffer in the matter of seniority and promotion. The Senior Personnel Officer(Construction) East Coast Railway issued a letter to the Divisional Railway Manager (P), East Coast Railway on 9/10.5.2011(Annexure-R/2) in which, he forwarded a list containing category-wise PCR staff of Construction Organization working in various Department falling under the geographical jurisdiction of the concerned Division to facilitate action for fixing their lien and amalgamating their seniority with the concerned Division. In these instructions certain principles were laid down for fixing lien of the employees. It appears that in pursuance of these guidelines, repatriation order at Annexure-A/5 in respect of the applicant as well as others has been passed vide order dated 19.9.2012. The learned counsel for the applicant has raised an objection that the instructions as contained in letter dated 9/10.5.2012 have not been so far been acted upon by the Khura Divisional authority.

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10. I have considered the various points raised by the learned counsels for both the sides and perused the documents filed by both of them. Learned counsel for the applicant had mentioned that the order dated 19.9.2012 at Annexure-A/5 is an order of transfer. However, the learned Panel counsel for the Railways has asserted that it is an order of repatriation. A perusal of the order clearly indicates that it is an order of repatriation from the Construction Organization to the Open Line of the Railways and therefore, by no stretch of imagination it can be said to be an order of transfer. Learned Panel counsel for the Railways has brought to my notice certain important case law, one of which is in the case of Union of India vs. S.L.Abas (AIR 1992 SC 2444), in which the Hon'ble Supreme Court has made the following observations.

"The jurisdiction of the Central Administrative Tribunal is akin to the jurisdiction of the High Court under Art. 226 of the Constitution of India in service matters. This is evident from a perusal of Art. 323-A of the Constitution. The constraints and norms which the High Court observes while exercising the said jurisdiction apply equally to the Tribunal created under Art. 323-A. The Administrative Tribunal is not an Appellate Authority sitting in judgment over the orders of transfer. It cannot substitute its own judgment for that of the authority competent to transfer".

11. In the above judgment, the Hon'ble Supreme Court has laid down the law that the Administrative Tribunal is not an appellate authority sitting in judgment over an order of transfer. Transfer of an employee will be done according to the decision taken by the authority who is competent to transfer. Therefore, an order of transfer will not in normal course be

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interfered with by the Administrative Tribunal. While taking into account this case law as quoted above, I also find that since the impugned order at Annexure-A/5 is an order of repatriation, there is no need to construe it, a matter of transfer. On the question of repatriation, learned Panel counsel for the Railways has relied on the decision of the Hon'ble Supreme Court in Civil Appeal No.2895 of 2000(Arising out of S.L.P. ( C ) No.13885 of 1999) decided on 24.4.2000 (Kunal Nanda vs. Union of India & Ors.) reported in 2000(2) SCSLJ 82. The following observation of the Hon'ble Supreme Court are relevant in this regard.

“On the legal submission made also there are no merits whatsoever. It is well settled that unless the claim of the deputationist for permanent absorption in the department where he works on deputation is based upon any statutory Rule Regulation or Order having the force of law, a deputationist cannot assert and succeed in any such claim for absorption. The basic principle underlying deputation itself is that the person concerned can always and at any time be repatriated to his parent department to serve in his substantive position therein at the instance of either of the departments and there is no vested right in such a person to continue for long on deputation or get absorbed in the department to which he had gone on deputation”.

12. It is also quite evident that an employee working on deputation basis has no right to claim that he should be allowed to continue indefinitely and/or absorbed in the borrowing Organization. The decision of the borrowing organization as well as the parent organization will be final in this regard. Therefore, the submission in this regard made by the learned Panel Counsel for the Railways is wholly acceptable. If the employee is a

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deputationist there is no question of his claiming indefinite continuance in the borrowing organization and at the discretion of both the borrowing organization and parent organization he could be repatriated to his parent organization. Law in this regard is absolutely clear.

13. Here, I have to address the issue where reliance has been placed with regard to the repatriation of the applicant from Construction Organization to Open Line on the basis of RBE No.61/2000 issued by the Railway Board on 20.6.2002. In the fitness of things, full text of RBE No.61/2000 is quoted hereunder.

" Estt.Srl.No.66/2002

RBE No.61/2002

No.P/R/CL/Policy/Pt.X Dated 20.06.2002

Review of system of Construction Reserve for Non-Gazetted Staff

Ref: 1) Railway Board's letter No.E(NG)-II/84/PO/SE/30 dated 21.6.88(letter No.P/R/17/TR-CR/IV DATED 07.07.88)

2) Railway Board's letter No.E(NG)-II/96/CL/61 dated 18.3.1997 (Estt.Srl.No.104/97)

Railway Board's letter No.E(NG)-II/2002/PO/Gen/1 dated 10.5.2002 (RBE No.61/2002) is as under :-

In terms of instructions contained in Board's letter No.E(NG)-III/69/CD/42 dated 24.12.1973, 40% of the temporary non-gazetted posts in each grade in the construction were sanctioned permanently as a Construction Reserve from 01.04.1973. Later the percentage of Construction reserve was revised to 60% vide Board's No.E(NG)-II/84/PO/SE/30 dated 21.06.88. The concept was introduced basically to facilitate confirmation of staff which was linked with availability of permanent posts and to expedite

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regularization of casual labour engaged in the Construction/Projects.

2. Now the procedure for simplification of confirmation of staff has come into effect w.e.f. 1.1.89 whereby the confirmation has been delinked from the availability of permanent posts and a total ban on engagement of casual labour has been imposed. For meeting the requirement of Construction/Projects work -charged posts in regular scales are required to be created against General Charges Establishment or Labour Provisions in the sanctioned estimates with the concurrence of the Associate Finance and the posts filled from amongst Open line staff from the Railway/Division in whose territorial jurisdiction the Construction/Project is headquartered, vide Board's letter No.E(NG)-II/96/CL/61 dated 18.3.1997.
  - 2.1 The Board have reviewed the matter and come to the conclusion that with the above developments having taken place the concept of Construction Reserve has already lost its utility and, therefore, should no longer be used for any purpose whatsoever. If any staff happen to continue in the Construction/Projects without a position/lien in the open line in the appropriate category, immediate action should be taken to provide him the same so that there is no difficulty at the time of his repatriation from the Construction/Project when the need arises and he does not suffer in the matter of seniority and promotion.
3. This issues with the concurrence of the Finance Directorate of Ministry of Railways (Railway Board)".

14. The provisions mentioned in RBE No.61/2002 speak for themselves.

The important decision which has been communicated in this letter is that



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the Railway Board has reviewed the matter and came to the conclusion that because of certain developments, the concept of the concept of Construction Reserve has already lost its utility and, therefore, should no longer be used for any purpose whatsoever. Before the issue of these instructions, the percentage of construction reserve was revised to 60% vide Railway Board's letter dated 21.6.1988(cited supra). The mention of the expression "should no longer be used" clearly indicates that henceforward with prospective effect the concept of construction reserve will not be used for the purpose whatsoever. The instruction of the Railway Board is therefore, prospective in its application. It has been contended by the learned Panel Counsel for the Railways that this circular has not been challenged by the learned counsel for the applicant and since under these RBE guidelines, applicant has been repatriated, the action of the Respondents cannot be said to be irregular or illegal in any manner. It is a fact that this RBE has not been challenged and therefore, the action of the Respondents with regard to applicability of its provision to the case of the applicant will have to be examined strictly in terms of the provisions therein. If the facts and circumstances of the case of the applicant are such that the provisions of this RBE will be attracted in his case then it will be concluded that the action of the Respondents will be wholly justified as per these instructions. It is a fact that the applicant had earlier approached this Tribunal in O.A.No.922/12 and in the orders passed by the Tribunal, the instruction was issued to Respondent No.2 to consider the applicant's

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representation at Annexure-A/6 and communicate the decision in a well-reasoned order to the applicant within a period of two months from the date of receipt of copy of this order. In order to comply with this direction of the Tribunal, the Chief Personnel Officer, East Coast railways has passed a speaking order vide Annexure-A/8 dated 22/22.1.2013 which is impugned in this O.A. The service profile of the applicant herein has been stated clearly in course of this speaking order and among other things, it has been mentioned that the applicant was absorbed against 60% PCR post in Group-D category in the scale of Rs.2550-3200 with effect from 14.05.1993 vide order dated 8.11.2000. It is further mentioned in the speaking order that under the policy of repatriation of staff working in the Construction Organization, the staff who have completed 20 years of service in the Construction Organization and having residual service not less than three years for retirement are repatriated to their lien maintaining unit/division. Further, the post which the applicant was holding was work charged post and purely temporary in nature and because of shortage of funds and shrinkage of work in the Construction Organization, it was decided to repatriate the older staff. It is also mentioned in this order that the repatriation/transfer order is an incidence of service and they have no right to claim for a particular Unit/Division.

15. Upon perusal of the contents, I find many contradictions in the various facts stated in the speaking order. While it is stated that the applicant has been absorbed against 60% PCR posts with effect from

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14.5.1993 at the same time it is also stated that the post which the applicant was holding was a work charged post and purely temporary in nature. Although it is stated that due to exigency of work applicant was allowed to continue in the ad hoc post as CDCM, Gr.II, that by itself does not affect the fact that he was absorbed against 60% PCR posts in Group-D category. If it is acknowledged by the authorities that the applicant has been absorbed in the Construction Organization since 1993, how is it that he will be repatriated to the open line as a deputationist ? This question has not been properly answered in the speaking order. It is further mentioned that under the policy of repatriation of staff working in the Construction Organization, the staff who have completed 20 years of service in the Construction Organization and are having residual service of not less than three years for retirement have been repatriated to the lien maintaining Unit/Division. If there is such a policy of repatriation of staff how will it apply to the staff who have been already absorbed ? For the staff who have been already absorbed in the Construction Organization, how can there be a lien maintaining Unit/Division ? These questions remain unanswered exposing many deficiencies in the speaking order.

16. It has been defended by the learned Panel Counsel appearing for the Railways that the repatriation has been effected under EBE No.61/2002 dated 20.6.2002, which has been quoted above. This RBE of the railway Board has not been challenged and therefore, the only question which can be decided is whether the principles decided in the RBE have been correctly



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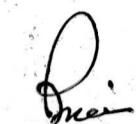
applied to the case of the applicant. As is already mentioned, the percentage of PCR revised to 60% vide order dated 21.6.1988 issued by the Railway Board. As per the speaking order at Annexure-A/8, applicant was absorbed against 60% PCR posts in Group-category with effect from 14.5.1993. RBE No.61/2002 was issued on 20.6.2002 which was subsequent to the absorption of the applicant as against 60% PCR posts in the Construction Organization. As is already mentioned, application of the provisions of RBE No.61/2002 will be prospective, i.e., 20.6.2002. If an employee has been already absorbed against 60% PCR posts much before the issuance of the RBE No.61/2002 his status cannot be altered by af subsequent guidelines. Since the applicant has been absorbed in the Construction Organization, his service records and seniority etc. have been maintained in the Construction Organization and therefore, he cannot be brought to the open line. In this respect, the question of having a lien unit/division does not arise because he cannot be called a deputationist to the Construction Organization.

17. In view of the findings that have been arrived at, order of repatriation dated 19.9.2012(Annexure-A/5) in so far as applicant is concerned and the speaking order dated 21/22.1.2013(Annexure-A/8) in so far as rejection of the prayer for his retention in the Construction Organization are quashed and set aside.

Ordered accordingly.

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In the result, the O.A. is allowed to the extent indicated above. No  
costs.



(R.C.MISRA)  
MEMBER(A)

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