

No. O.A. 1169 of 1996.

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH.

Presenta: 1169 of 1996. Hon'ble Dr. B.C.Sarma, Member (A)

Hon'ble Mr. D. Purakayastha, Member (J)

TARUN KANTI BHATACHARJEE ... Applicant.

Vs.

1. Union of India, through the Secretary,  
Deptt. of Defence Production,  
South Block, New Delhi.
2. The Director General, Ordnance Factories  
Board, 7A, Auckland Road, Calcutta-1.
3. The General manager, Ichapore Fifle  
Factory, P.O. Nababgange, North 24-Parganas.
4. The Deputy General Manager (P),  
Ichapore Rifle Factory, Nababgange,  
North 24-Parganas.
5. Junior Works Manager (L.C.),  
Ichapore Rifle Factory, Nababgange,  
North 24-Parganas.
6. Rifle Factory Ichapore, Nababgange,  
North 24-Parganas.

... Respondents.

For applicant : Mr. D.Sarkar, Counsel.

For respondents : Mr. B.Mukherjee, Counsel.

Heard on : 31.12.96 :: Ordered on : 31.12.96.

O R D E R

B.C.Sarma, AM

The dispute raised in this application is about the impugned notice issued by the respondents on 12.7.96 and 27.8.96 whereby the applicant has been asked to join in the Capstan Machine department failing which there will be no work no pay. The applicant submitted that he has been functioning in the Lathe Machine Department for the last 32 years, but sometime ago he has suffered heart-attack for which he was on leave for sometime. The applicant contends that for working in (2) Capstan Machine department, special training is necessary

for working in the Capstan Machine special training is necessary which he does not have. The applicant contends that the respondents have no right to threaten him with 'no work no pay' unless he operates the Capstan machine and, hence, the application.

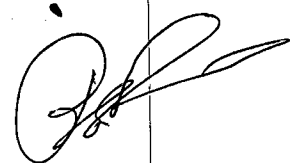
2. When the admission hearing of the matter was taken up today, Mr. B. Mukherjee, ld. counsel, appearing for the respondents submitted that the applicant ~~now~~ <sup>will</sup> functioning in the Lathe Machine and he has been asked to work in the Capstan machine. According to Mr. Mukherjee, Capstan machine and Lathe Machine are of the same type of machine and there is no reason why the applicant ~~could~~ <sup>will</sup> not be able to function in the Capstan machine. Mr. Mukherjee, therefore, opposes the admission of the application.

3. We have examined the matter after hearing the submissions of the learned counsel for both the parties, perusing records and considering the facts and circumstances of the case. It is a well settled principle that the services of the employee will be utilised by the executive authority in the interest of the administration. We are, therefore, of the view that appropriate order to be passed in this case will be to issue a suitable direction on the respondents in the matter.

4. In view of the above, the application is disposed of at the stage of admission itself with the direction that the respondents shall treat the instant application as a fresh representation of the applicant and shall dispose it of within a period of two months from the date of communication of this order. Till the representation is thus disposed of, the respondents shall not insist on the applicant's working in the Capstan machine. <sup>subin</sup> We also direct that the respondents shall pass a speaking order on the said representation and shall convey the same to the applicant. No costs.



( D. PURAKAYASTHA )  
MEMBER (J)



( B.C. SARMA )  
MEMBER (A)