

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH: JODHPUR

Date of order : 22.03.2000

1. O.A. No. 104/98

with

2. M.A. No. 135/99

in

O.A. No. 104/98

H.L. Verma son of Shri Modu Lal aged about 50 years resident of B-27, SWP/K Colony, Bhabhanagar, Rawatbhata, Distt. Chittorgarh, at present employed on the post of Class I Boiler Attendant Tradesman 'E' in the office of SGP/SWP/K, Anushakti, DAE : 323303, Distt. Chittorgarh.

... Applicant.

versus

1. Union of India through Secretary to the Government of India, Department of Atomic Energy, Anushakti Bhawan, CSM Marg, Mumbai.

2. General Manager, Heavy Water Plant (Via Kota), Anushakti, Distt. Chittorgarh, Rajasthan.

3. Deputy Production Manager, Heavy Water Plant (Via Kota), Anushakti Distt. Chittorgarh, Rajasthan.

... Respondents.

Mr. J.K. Kaushik, Counsel for the applicant.

Mr. Vinit Mathur, Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member.

O R D E R

(Per Hon'ble Mr. Justice B.S. Raikote)

In this application, the applicant prays that his services cannot be utilised as Operator Spray Drying Plant, therefore, the action of

(10)

the respondents assigning him that duty may be declared as illegal. In the pleadings, the applicant states that he was appointed as Tradesman 'D' on Industrial Establishment of Heavy Water Plant, Kota, with a pay scale of Rs. 1320-2040. The applicant has further stated that he has been working subsequently as Boiler Attendant, therefore, except Boiler Attendant, his services cannot be utilised for any other purposes for the department. The learned counsel for the applicant has relied upon Annexure A/5 dated 16.8.90, his appointment letter as Tradesman 'D' and Annexure A/4 dt. 20.10.77, First Class Boiler Attendant's Certificate of Competency, and contended that the action of the respondents in assigning the duty of Operator Spray Drying Plant is illegal and without jurisdiction. It appears that the applicant had made a representation to the effect that his services cannot be utilised as Operator Spray Drying Plant, and the same has been rejected by the Administrative Officer, Department of Atomic Energy, Heavy Water Plant, Kota, vide his letter dated 11.6.97. The applicant has prayed for quashing this order also.

2. The respondents by filing a counter denied the allegations made by the applicant. They contended in the counter that he has been appointed as Tradesman 'D' and he is holding the post of Tradesman 'D' as per the appointment order and not the post of Tradesman 'D' (Boiler Attendant). It is further stated that a person working in the department, according to policy, has to be trained in operating various units of Heavy Water Plants, therefore, there is no illegality or irregularity in assigning the duty of Operator Spray Drying Plant to the applicant. It is further stated that every operator has to get trained minimum 2 units of the Plant in order to become an authorised operator and it is a statutory requirement of the Plant as stipulated by the Atomic Energy Regulatory Board to regulate the safety aspects of all the constituent units of DAE and it is only because of this factor, the applicant working in Steam Generation Plant (SGP) has been asked to work in Spray Drying Plant (SDP) of Heavy Water Plant, Kota. In substance, the respondents have denied the case of the applicant.

3. From the pleadings as also the arguments advanced by both the learned counsel, one thing is admitted that as per appointment order dated 16.8.90 (Annexure A/5) the applicant has been appointed as Tradesman 'D' on Industrial Establishment of Heavy Water Plant, Kota. From the nature of the appointment itself it is clear that the

11

appointment of the applicant pertains to Heavy Water Plant, including the work of Boiler Attendant. A training given to him as Boiler Attendant cannot bestow any right on him to say that he has only been appointed as Boiler Attendant. It appears that the applicant was given training as Boiler Attendant under Rajasthan Boiler Attendants' Rules, 1954. As per the appointment letter, the applicant was required to work in the Heavy Water Plant, performing such duties as are required for the Plant. As an internal arrangements, the applicant was asked to discharge the duties of Operator Spray Drying Plant. This is purely an administrative act and the respondents have jurisdiction to assign him any work in the Heavy Water Plant. In the circumstances, we do not think that there is any illegality or irregularity in the impugned action of the respondents in assigning the applicant the duty of Operator Spray Drying Plant.

4. In the light of above discussion, we do not find any reason to interfere with the impugned action of the respondents and the O.A. is accordingly dismissed with no order as to costs. Consequently, the M.A. is also dismissed.

Gopal Singh  
(GOPAL SINGH)  
Adm. Member

B.S. Raikote  
(B.S. Raikote)  
Vice Chairman

cvr.

P/COPY  
in  
27/3  
(Final, matter Advo)

P/COPY  
on 27/3/2005  
C.B. Khan

Part II and III destroyed  
in my presence on 11-12-06  
under the supervision of  
section officer ( ) as per  
order dated 23-1-06.

Section officer (Record)