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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

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Date of Order : 03.08.2001.

O.A.NO. 199/2001

Shri Hazari Singh S/o Shri Makhan Singh aged about 40 years, R/o 1201-D.S.Colony, Northern Railway, Jodhpur. The applicant is presently holding the post of Photostat Machine Operator in Construction Organisation, Northern Railway, Jodhpur.

.....Applicant.

VERSUS

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Chief Administrative Officer (C), Kashmiri Gate, New Delhi.
3. The Deputy Chief Engineer (C-I, Northern Railway, Jodhpur.
4. Divisional Railway Manager, Northern Railway, New Delhi.

.....Respondents.

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Mr. Kuldeep Mathur, Counsel for the applicant.

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C O R A M :

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

Hon'ble Mr. Gopal Singh, Administrative Member

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ORDER

PER HON'BLE MR. JUSTICE B.S. RAIKOTE, VICE CHAIRMAN :

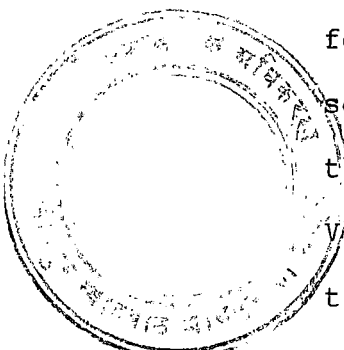
In this case, the applicant has challenged the impugned order vide Annex.A/1 contending that the applicant

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is being reverted to the lower post, therefore, the impugned order of reversion is illegal.

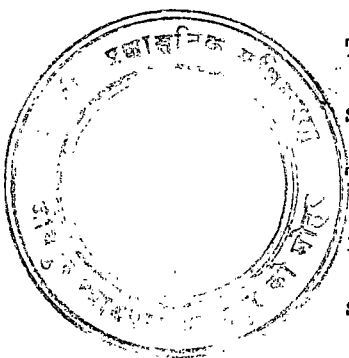
2. The learned counsel for the applicant elaborated his arguments relying upon Annex.A/2 dated 12.2.1992 stating that the applicant and other persons were promoted as 'Photostate Machine Operators' in the Construction Organisation and by the impugned order now they are reverted to their substantive post in the parent department.

3. From Annex.A/2 dated 12.2.1992, we find that it was not a case of promotion. It simply states that the services of the staff mentioned therein were utilised in the pay scale of Rs. 950-1500 on purely ~~XXXX~~ local temporary adhoc arrangements on TLA basis and their services are confined to Broad Gauge Conversion Project, Jodhpur. From this, it follows that as a temporary and local arrangement, the services of the applicants who were serving as Khalasies in the parent establishment, were utilised in the project. Vide order Annex.A/5 dated 21.5.2001, it is made clear that there is no post with the designation 'Photostat Machine Operator' in the Construction Organisation. Services of some persons were utilised as 'Photostat Machine Operator' on the basis of some special allowance and the department was wrong in giving them designation as 'Photostat Machine Operator'. The Chief Administrative Officer (Construction), restrained the department from using that designation as 'Photostat Machine Operator' and if that designation is continued, the Head of the Unit Incharge will be held responsible. From this letter, it further follows that the services of certain persons including the applicant, were utilised as Photostat Machine Operator only on temporary




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basis on payment of some special allowance. It was not a promotional post as such, as contended by the learned counsel for the applicant. Since that post has been abolished now the applicant has been repatriated back to his parent department on his substantive post. The order Annex.A/2 itself shows that their substantive post in the parent department was as Khalasi or Storeman. If that is so, the impugned order cannot be construed to be a reversion from any promotional post. At any rate, the services of the applicant and others, were taken with Construction Organisation temporarily, are now being sent back to their original post. If the temporary arrangement is discontinued by abolishing that designation and the post, we cannot find fault with the impugned order vide Annex.A/1. The special engagement with special allowance is being simply discontinued under Annex.A/1 and nothing more. Therefore, the impugned order does not call for any interference. The word 'reverted' used in Annex.A/1 in the sense that they are reverted back to their parent department and it is not an order of reversion from a higher post to a lower post. For the above reasons, we pass the order as under :-



The application is dismissed but in the circumstances, without costs.


(GOPAL SINGH)
Adm.Member


(B.S. RAIKOTE)
Vice Chairman

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