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CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR.

Date of Order : 23.03.2001.

ORIGINAL APPLICATION NO. 28/2001.

Rishi Kumar Sharma son of Shri Ramesh Chandra Sharma, aged about 42 years, resident of Railway Quarter No. 14-A Z T C Colony, Udaipur, at present employed on the post of Personnel Instructor, in Zonal Training Center, Udaipur, Western Railway.

... APPLICANT ..

VERSUS

1. Union of India through General Manager, Western Railway, Churchgate Mumbai.
2. The Principal, Zonal Training Centre, Udaipur, Western Railway.
3. Shri Ajay Kumar Jain Office Supdt Gr-II, through principal Zonal Training Centre, Udaipur, Western Railway.

... RESPONDENTS ..

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

Mr. R. K. Soni, counsel for the respondents nos. 1 & 2.

Mr. S. S. Vyas, counsel for the respondent no. 3.

CORAM

Hon'ble Mr. A. K. Misra, Judicial Member.

Hon'ble Mr. Gopal Singh, Administrative Member.

ORDER

( per Hon'ble Mr. Gopal Singh )

In this application under Section 19 of the Administrative Tribunals Act, 1985, applicant Rishi Kumar Sharma has prayed for quashing the impugned order dated 31.01.2001 ( Annexure A-1 ) with all consequential benefits.

2. Applicant's case is that while he was working on the post of Head Clerk in the year 1993, he was put to officiate on the post of Personnel Instructor in the pay scale of Rs. 1600-2660, w.e.f. 10.01.1992. Thereafter

*Gopal Singh*

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he appeared in a selection for the said post and was placed on the Panel dated 17.02.1993 and his posting as Personnel Instructor on adhoc basis was regularised. The applicant had also appeared in the selection for the post of Personnel Instructor in the pay scale of Rs. 6500- 10,500. He was placed on the selection Panel of the said post on Sr. No. 1 and was given promotion to the said scale i.e. Rs. 6500-10,500 vide respondents letter dated 10.07.2000. The respondents have vide their letter dated 31.01.2001 ordered repatriation of the applicant to his substantive post w.e.f. 16.02.2001. Feeling agreed, the applicant has filed this application.

3. In the counter, it has been stated by the respondents that the applicant had completed 8 years of service in the ex-cadre / tenure post of Personnel Instructor and, therefore, as per the existing rules, the applicant was repatriated to his parent organisation. Appointment of the applicant to the post of Personnel Instructor was only for a period till the end of his tenure of 8 years and the moment the applicant completed 8 years of tenure he was repatriated to his parent department. It has, therefore, been averred by the respondents that the application is devoid of any merit and deserves dismissal.

4. We have heard the learned counsel for the parties and perused record of the case carefully.

5. The contention of the applicant is that on subsequent selection to the post of Personnel Instructor, pay scale of Rs. 6500-10,500, the applicant should have been allowed a fresh tenure of 8 years in the said post. He has also cited the case of R. K. Jhanwar, who is continuing in the Zonal Training Centre on the post of Statistical Instructor beyond 8 years of the tenure. It is seen

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from Western Railway Head Quarters letter dated 01.09.1997 ( Annexure A-6 ) that the maximum tenure for instructors deputed to the Training Institutes would be 8 years and the instructors were required to be repatriated to their parent department after completion of the specified tenure. In the light of this letter dated 01.09.1997 we do not see any reason to interfere in repatriation of the applicant to his parent department. In regard to the case of Shri R. K. Jhanwar, it has been stated by the respondents that they have initiated action to fill up the said post and that Shri R. K. Jhanwar will be repatriated to his parent department, as soon as, the post is filled up. Moreover, deputation to an ex-cadre post does not confer any right upon the applicant to continue on that post or on a higher post for indefinite period.

6. In the light of above discussion, we do not find any merit in this application and the same deserves to be dismissed.

7. The O.A. is accordingly dismissed with no order as to costs.

Gopal Singh

( GOPAL SINGH )  
Admn. Member

AM  
23/3/2001  
( A. K. MISRA )  
Judl. Member

Re:  
Re  
21/5/2001

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DMS  
28/3/01

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answ  
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Part II and III destroyed  
in my presence on 26.3.01  
under the supervision of  
section officer ( ) as per  
order dated 29.1.01

Section officer (Records)