

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A No.545/2003

Tuesday this the 21st March 2006

C O R A M:

HON'BLE SMT SATHI NAIR, VICE CHAIRMAN  
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

V.Rangaswami, Store Issuer, Signal Project Stores  
Southern Railway, Palakkad.

Applicant  
(By Advocate M/s Santhosh & Rajan)

Vs.

- 1 Union of India represented by the General Manager  
Southern Railway, Chennai.
- 2 Chief Personnel Officer, Southern Railway, Chennai.
- 3 The Deputy Chief Signal & Telecommunication  
Engineer (Project), Southern Railway, Podanur.

Respondents.  
(By Advocate Mr Sunil Jose)

O R D E R

HONBLE SMT SATHI NAIR, VICE CHAIRMAN

The applicant was promoted to the post of Store Issuer in scale Rs.3050-4590 on adhoc basis w.e.f. 1.8.1984. Though the promotion was for three months, the applicant continued on the post on adhoc basis. In 1993 when steps were taken to revert the applicant he approached this Tribunal in O.A 858/1993 challenging his reversion. The said O.A was disposed of by order dated 26.8.1993 following the directions in an earlier OA 440/1992 holding that if the applicant had to be reverted it should be done only after affording an opportunity to the applicant. On the basis of the above orders the applicant had been continuing on the post of Store Issuer. By an order dated 28.6.2003 the applicant has been again reverted without any notice. The submission of the applicant is that the impugned order has been issued without complying with the orders in the earlier O.A for

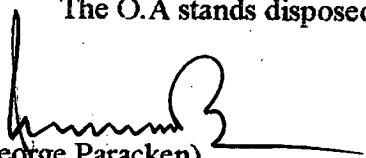
giving notice to him. Hence he approached this Tribunal by filing this O.A. On 3.7.2003, an interim order maintaining status quo was issued.

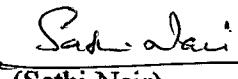
2 The respondents in their reply statement have submitted that in accordance with the above interim directions the reversion order has been cancelled and the applicant was allowed to continue in the post of Store Issuer on ad hoc basis till the adjudication of the case and subsequently sanction has also been obtained for a further period of four months and the applicant continues in the post on ad hoc basis. It is also stated that Construction Organisation does not have any permanent posts and the Projects have only work-charged posts which are created and extended from time for which sanctions are obtained from the competent authority.

3 When the matter came up for hearing today, we are informed by the counsel for applicant that the applicant is being continued as Store Issuer on ad hoc basis in the Construction Organisation and his grievance is only that he should not be reverted from the post of Store Issuer on which he has been continuing since 1984 and that this Tribunal had already ordered that he shall not be deprived of enjoying the advantages which he now enjoys and no reversion will be considered without affording an opportunity to him. The counsel for the respondents submitted that if the applicant is satisfied with his continuation he shall have no objection to disposal of the O.A on the same lines as ordered earlier. Accordingly, following the orders in OAs 857/93, 858/93 and 1278/93 this O.A is allowed with the same directions as follows:

"The applicant will be allowed to continue in the construction wing on the post of Store Issuer enjoying the advantages which he now enjoys and in the event if it becomes necessary to take any action for reversion against the applicant it shall be done only after affording him opportunity and giving him notice in accordance with law."

4 The O.A stands disposed of. No order as to costs.

  
(George Paracken)  
Judicial Member

  
(Sathi Nair)  
Vice Chairman.

kkj