

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No.
~~XXXXXX~~

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DATE OF DECISION 25.2.1991

K.I.Abdul Kareem & Another Applicant (s)

Mr.K.Ramakumar Advocate for the Applicant (s)

Versus

UOI rep. by General Manager, Respondent (s)
Southern Railway, Madras & 2 others

Mr MC Cherian Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P.Mukerji - Vice Chairman

and

The Hon'ble Mr. A.V.Haridasan - Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

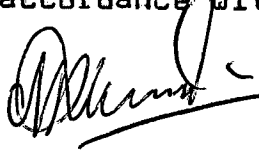
(Mr.S.P.Mukerji, Vice Chairman)

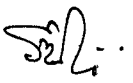
We have heard the learned counsel for the parties on this application in which the two applicants whom were admittedly regularised as Gangmen or empanelled as Gangmen in the scale of pay Rs.775-1025 and were working as office Peons in the lower scale of Rs.750-940, vide Annexure-A, have challenged the impugned order dated 30.7.1990, at Annexure-B by which they have been transferred as Gangmen. The learned counsel for the applicants indicated that the applicants voluntarily preferred to work as peons in the lower scale rather than as Gangmen in the higher scale,

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and the respondents thought it fit to post them as Peons. Accordingly they cannot suddenly and for extraneous reasons post them back as Gangmen against the willingness of the applicants.

2. We are not at all impressed by the arguments against the impugned order. The applicants had been empanelled for the posts of Gangmen which is their parent cadre. The respondents in their administrative power and wisdom thought it fit to post them back to their cadre ^{of Gangmen} to which ~~the~~ ^{the} ~~applicants~~ ^{are also} ~~are also~~ ^{happening} to be in a higher pay scale than the posts of Peon in which they are working at present. The impugned order appears to us unexceptionable and cannot be faulted. ^{On the other hand} ~~Initially~~ ^{had} the applicants been continued in the lower pay scale of Rs.750-940 against ^{the higher} ~~a~~ ^{of Rs 775-1025} pay scale for which they have been empanelled, there could have been some objections. In the above circumstances, we see no force in the application, and dismiss the same under Section 19(3) of the Administrative Tribunals Act. We make it clear that the rejection of this application will not stand in the way of the applicants making representations to the competent authority and getting necessary redress in accordance with law.


(A.V. HARIDASAN)
JUDICIAL MEMBER


(S.P. MUKERJI)
VICE CHAIRMAN

25.2.1991