

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATED TUESDAY THE THIRTEENTH DAY OF JUNE
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

PRESENT

HON'BLE SHRI P. K. KARTHA, VICE CHAIRMAN

&

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

O.A. 307/89

Rajan K. J

Applicant

Vs.

1. Union of India represented by
General Manager, Southern Railway
Madras
2. The Divisional Personnel Officer,
Southern Railway, Trivandrum
3. Executive Engineer (Construction)
Southern Railway, Trichur
4. Assistant Engineer, Open Line,
Southern Railway, Ernakulam and
5. Depot Store Keeper (Construction)
Southern Railway, Trichur

Respondents

M/s. K. Ramakumar,
V. R. Ramachandran Nair and
Roy Abraham

Counsel for the
applicant

Smt. Sumathy Dandapani

Counsel for the
respondents

ORDER

Shri P. K. Kartha

The applicant who is working as a Store-Mate in
the office of the Depot Store Keeper (Construction),
Southern Railway, Trichur, filed this application under

Section 19 of the Administrative Tribunals Act, 1985 praying for issuing a direction to the respondents to allow him to continue in the post of Storemate in the Depot Store Keeper's Office (Construction), Trichur and to declare that his posting as Gangman is illegal. He has also prayed by way of interim relief that the Respondents should be given a direction to allow him to continue in his present post.

2. After hearing learned counsel for both the parties we admit the application. However, in view of the fact that no final order has been passed by the Respondents posting the applicant as Gangman, we do not consider it necessary to postpone the hearing of the case till the pleadings are complete.

3. The learned counsel for the applicant states on instructions that the applicant is willing to forego any ^{posting or} ~~promotion~~ to the post of Gangman which may be offered to him as it is not the normal channel for his promotion. He would rather prefer to seek his chances for promotion in the same category such as Storemate, in accordance with the rules.

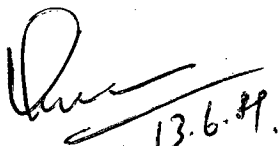
4. In view of the aforesaid statement made by the learned counsel for the applicant, we order and direct that the applicant should not be posted as Gangman, subject to his giving an undertaking to the Respondents that he is willing to forego his ^{posting or} ~~promotion~~ to the post

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of Gangman. The applicant is directed to give such an undertaking within a period of fifteen days from the date of receipt of a copy of this order. The giving of such an undertaking would necessarily mean that he undertakes all the attendant risks including his continuance as Storekeeper on a long term basis and his promotion, etc.

5. The application is disposed of on the above lines.

6. The parties to bear their own costs.


13.6.89.

(N. V. Krishnan)
Administrative Member
13.6.89


13/6/89

(P. K. Kartha)
Vice Chairman
13.6.89

kmm