

86 9

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 274 of 1990

Fira Lal Agrahari Applicant

Versus

Union of India & Others Respondents

Hon'ble Mr. Justice U.C.Srivastava,V.C.

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr.Justice U.C.Srivastava,V.C.)

The applicant has approached this tribunal praying that the order dated 2.3.1990^{be quashed} to the extent that the applicant is directed to attend the coaching classes at Zonal Training School, Muzaffarpur as per New A.V.C. and the order dated 4.1.1990 passed by the General Manager(Personnel)North Eastern Railway, Gorakhpur may also be quashed.

2. The applicant ~~was~~ started his service as a Helper in the year 1958 and was promoted to the post of Sales Incharge in the year 1964. He was transferred as 'Sales Incharge' and posted at Barauni vide order dated 24.7.74 and ~~was~~ again~~st~~ transferred as Sales Incharge in the grade of Rs. 225-308 to Gorakhpur. He was placed under suspension on 24.10.1990 on the charges of gross irregularities etc. A charge-sheet was also issued to him and an enquiry officer was appointed. It is said ~~xx~~ that the enquiry is still pending and according to the respondents, the applicant never submitted his reply. After revocation of suspension order he was directed to attend C.G. classes at ZTS/MEP on administrative grounds that is due to implementation of new A.V.C. which was made only after obtaining the views of the recognized

Contd..2/-

6

H-7

:: 2 ::

unions. According to the respondents, the Railway Board's instructions has been completely followed and changed designation has been kept separate from Assistant Catering Manager and tagged with Commercial Clerk as per revised A.V.C. issued on 4.1.1990. It appears that against the earlier transfer order an application was moved by the respondents for withdrawal of the said transfer order on 29.8.1989, as it was under challenge before this tribunal.

2. According to the applicant, the matter was over and yet he has been placed under suspension again. In the letter dated 17.4.1984, issued by the Railway Board it is said that 33-1/3% of the existing cadre of Bill issuers in scale Rs. 225-308 should be placed in scale Rs. 260-430, and designated as catering stores clerk, and according to the applicant in view of the said letter he could not have been shifted to this place. But the respondents have pointed out that the applicant could have been shifted. He was placed under suspension because of non-compliance of the said order and the representation made by him was considered by the authority concerned. The applicant has charged ~~Agains~~ Sri M.A. Ansari with malice and malafides and according to the respondents, who have denied the charges against M.A. Ansari as well as Akhtar Alam that there is no such evidence from the records, from which it could be said that in fact, the action against the applicant has been taken because of malafide intention. ^{we agree with it} ~~we do not~~ find any ground to interfere in this case, but in view of the fact that the applicant has filed the representation dated 9.7.1990 and according to the applicant the same has

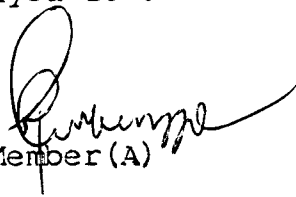
Contd..3/-


u

A/S

:: 3 ::

not been received by the competent authority. The respondents are directed to dispose the representation filed by the applicant taking into consideration pleas raised by the applicant within a period of two months from the date of ~~some~~ receipt of yet another copy of the said representation. We make no order regarding joining of the training course by the applicant. As we are dismissing the application of the applicant in respect of reliefs prayed for. No order as to costs.


Member (A)


Vice-Chairman

Lucknow Dated: 12.3.1993

(RKA)