

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH AT LUCKNOW

O.A. NO. 139/90 (L)  
\*\*\*\*\*

S.N. Saraswat ..... Applicant.  
Versus  
Union of India & Others ..... Respondents.

Hon. Mr. D.K. Agrawal, J.M.  
Hon. Mr. K. Obayya, A.M.

( By. Hon. Mr. D.K. Agrawal, )  
J.M.

This petition under Section 19 of Administrative Tribunals Act, 1985 has been filed, aggrieved with the order of the Railway Administration dated 29.8.1989, Annexure-2 to the petition, whereby, he has been posted as teacher at Mugalsarai.

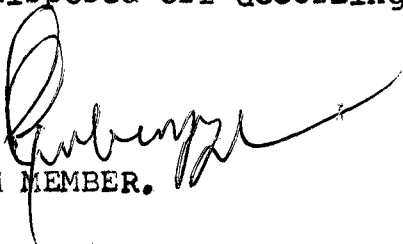
Briefly, the facts are that the applicant was selected as Teacher by Railway Service Commission and appointed as Teacher on 6.2.1984, but soon after, his <sup>were</sup> services utilised as Clerk under Railway Administration vide order dated 22.6.1984, Annexure-1 to the petition. Since then he has been working in said capacity of Clerk. The grievance of the petitioner is that despite his request for change of category, the Railway Administration has not taken the decision and pending his representation, <sup>passed</sup> ~~proceede~~ the impugned order dated 29.8.1989, Annexure-2 to the petition.

We have heard the learned counsel of the parties and pursued the record. The purusal of the impugned order itself indicates that the change of category has been applied to by the petitioner and is pending for consideration of the Railway Administration.

The prayer of the petitioner is that his request

D.K. Agrawal

for change of category may be decided by the Railway Administration to enable him to <sup>choose</sup> ~~choice~~ his course of action. We find on record a letter of Divisional Railway Manager dated 7.12.1989 addressed to General Manager (P), New Delhi (Annexure -4A) whereby the Authorities <sup>appears to have</sup> ~~have~~ already seized the matter. We are of the opinion that in the circumstance the petitioner be moved from the post of Clerk to the post of Teacher only if, the Authorities come to the conclusion that the change of category is not desirable or permissible under the rule in the circumstances of the case. It will be up to the Railway Authorities to decide the <sup>lower</sup> ~~transfer~~ in question as early as possible. We hope that the decision would be taken by the Railway Authority within a period of 2 month, hereof. The applicant will move after the decision of the representation about the change of the category. Therefore, the petition is disposed off accordingly without any order as to costs.

  
ADM MEMBER.

  
JUDICIAL MEMBER. 26.4.90

Dated: 26.4.1990