

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 030.

Dated: 6 APR 1995

APPLICATION NO. 1216 of 1994.

APPLICANTS: Sri.E.Sassindra,

V/S.

RESPONDENTS: Secretary, Ministry of Defence, New Delhi
and two others.,

To

1. Sri.K.Ramadasan, Advocate,
No.306, Subedarchatram Raod,
Bangalore-560 009.
2. Sri.M.Vasudeva Rao,
Addl.CGSC, High Court Bldg,
Bangalore-560 001.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 31-03-1995.

Issued on
6/4/95

[Signature]

[Signature]

[Signature]

[Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A. No.1216/94

FRIDAY THIS THE THIRTY FIRST DAY OF MARCH 1995

Shri V. Ramakrishnan ... Member [A]

Shri A.N. Vujjanaradhya ... Member [J]

E. Sassindra,
S/o late S.E. Koppunni,
Aged 34 years,
Stores Superintendent,
ALISDA, DTD & P [AIR],
Ministry of Defence,
Jalahalli Camp Road,
Yeshwanthpur,
Bangalore-560 022.

... Applicant

[By Advocate Shri K. Ramadasan]

v.

1. Union of India
by Ministry of Defence,
DTD & P [AIR],
Government of India,
South Block, DHQ PO,
New Delhi-110011,
represented by its Secretary,
Production.
2. The Director,
DTD & P [AIR],
Ministry of Defence,
Government of India,
'H' Block, New Delhi.
3. The Officer-in-charge,
ALISDA, DTD & P [AIR],
Ministry of Defence,
Jalahalli Camp Road,
Yeshwanthpur,
Bangalore.

... Respondents

[By Shri M. Vasudeva Rao ...
Addl. Standing Counsel for Central Govt.]

ORDER

Shri A.N. Vujjanaradhya, Member [J]:

Applicant is aggrieved by the change in his duties



effected by the Officer-in-charge AIISDA [R-3] by order dated 13.5.1994 as in Annexure A-4.

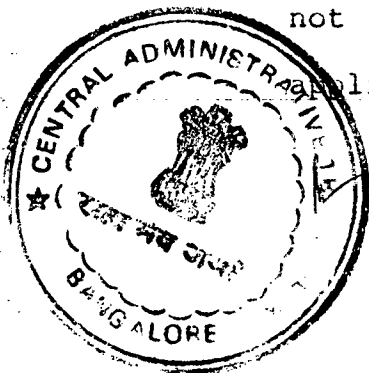
2. Applicant is the Stores Superintendent in AIISDA, Bangalore, in the administrative control of R-3. In exercise of power vested in him R-3 had effected some change in the performance of the duties of applicant in stores to ensure smooth functioning of the same. It is not to the liking of the applicant and he feels that because of his having addressed some letters to R-3, this change has been brought about. According to him this change in duties is not in accordance with the standing orders and those are not the duties required to be performed by the Stores Supdt. He, therefore, prays for quashing the order in Annexure A-4 dated 13.5.1994 and directing the respondents to allow him to perform the duties as per standing orders.

3. The contentions of the respondents are - [a] the grievance of the applicant is not in relation to his conditions of service and as no condition of his service is affected, he is not entitled to invoke the jurisdiction of this Tribunal; [b] R-3 as administrative head has only allotted the duties in stores for smooth functioning of the same; and [c] the applicant is not in supervisory post and there is no reduction in rank. Besides he is not required to work under any junior.

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4. We have heard Shri K. Ramadasan for the applicant and Shri M. Vasudeva Rao for the respondents.

5. Standing orders refer to the duties that are required to be performed by the Stores Supdt. to which our attention was brought by Shri Ramadasan to support his contention that Annexure A-4 order dated 13.5.1994 issued by R-3 is improper and arbitrary. However, Shri Ramadasan does not dispute that R-3 is the Administrative Head under whom the applicant has to work and that change effected is only in relation to stores. In view of this admitted position it becomes clear that R-3 has acted in due exercise of his power only to streamline and to ensure smooth and efficient functioning of the stores as rightly contended by Shri Rao. The post in which the applicant is working is not a supervisory post as could be seen from Air Headquarters letter dated 6.3.1989,. It is clarified by the respondents that the applicant is not required to report to any junior and there is no reduction in his status. The applicant, as a subordinate of R-3, has to obey his directions and cannot seek to challenge the same before this Tribunal. As an administrative head, R-3, is entitled to extract and require the Stores Supdt. to perform such duties in relation to stores and the same is within his power. We are not convinced that the change in the duties of the applicant brought about by R-3 had the effect of



adversely affecting the condition of his service. Consequently, it is not open to the applicant to make a grievance of the same so as to call for our interference.

5. It is the contention of the learned Standing Counsel, that the grievance of the applicant is not in relation to his condition of service and the condition of his service is not adversely affected by issue of order in Annexure A-4 and, therefore, he cannot invoke the jurisdiction of this Tribunal. According to him this Tribunal has no jurisdiction to entertain such application. ^{A applicant, dependent on} The learned counsel for the applicant ^L ~~pointed out that in case, the applicant pointed~~ out that in case, the applicant were to be directed to perform duties other than those relating to stores, the same would amount in adversely affecting the condition of his service and in such a case, he has no other effective remedy than to approach this Tribunal. As it is the case of the applicant, it is further submitted, that condition of his service is adversely affected by issue of order in Annexure A-4 effecting change in his duties, he is entitled to knock at the doors of this Tribunal. But we do not think it is necessary to go into these contentions inasmuch as we have reached the conclusion on the merits of the case of the applicant that he cannot question Annexure A-4 as the issue of the same is within the powers of R-3 and he has exercised that power to ensure smooth and efficient functioning of the stores.

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6. In the result, the application fails and it is dismissed with no order as to costs.

12/1
Sd/-
511-

MEMBER [J]

12/1
Sd/-

MEMBER [A]



TRUE COPY

[Signature]
06/4/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore