

CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH,
JAIPUR.

T.A. No. 1393/86
(CS 232/81)

Date of decision
15.2.93

NANAK RAM

... Applicant.

Mr. Surendra Singh

... Counsel for the
applicant.

V
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R
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UNION OF INDIA & ORS.

... Respondents.

Mr. Anil Mehta

... Counsel for the
respondents.

CORAM :-

The Hon'ble Mr. Justice D.L. Mehta, Vice Chairman.
The Hon'ble Mr. B.B. Mahajan, Administrative Member.

PER THE HON'BLE MR. B.B. MAHAJAN, ADMINISTRATIVE MEMBER :-

Nanak Ram had filed this civil suit in the Court of Additional Munsif, Jaipur west, Jaipur for permanent injunction to the respondents not to revert him from the post of P.W. Mistri. The suit has been transferred to the Tribunal U/S 29 of the Administrative Tribunals Act, 1985.

2. The applicant was initially appointed as Gangman in Western Railway on 14.7.67. He was promoted to the Keyman w.e.f. 1.9.69. He was thereafter promoted as Mate in Construction Wingh w.e.f. 21.1.70 to 31.10.70 vide order (at) Annexure-1. Vide order dated 30.3.71 he was reverted from Construction Wingh to Open Line Wingh. Vide Order dated 16.1.73 (Annexure A/2) he was transferred to the Construction Organisation as P.W. Mistri.

On 26.8.81, he filed a suit apprehending his reversion from the post of P.W. Mistri. The respondents have in their reply stated that the applicant had been appointed as Mate in the Construction Organisation by transfer. The order of transfer (Exh.A-2) dated 16.1.73 clearly stipulated that his lien will be maintained in the Open Line Wing and he will be returned to that Organisation as and when his services are not required by the Survey and Construction Organisation. The applicant was allowed to continue as Mistri in the Construction Organisation by virtue of the stay order issued by the learned Additional Munsif dated 13.8.82.


3. We have heard the learned counsel for the parties.

4. It is clear from the order dated 16.1.73 (Exhibit A-2) filed by the applicant himself that he had been promoted as P.W. Mistri by transfer in the Construction Organisation and he was liable to be reverted to the Open Line Organisation where his lien was maintained. An official who is posted by transfer in another Organisation has no right to continue in that Organisation indefinitely and is liable to be reverted to his parent Organisation. He will be entitled to maintain his seniority in his parent Organisation and would be eligible for promotion in his parent Organisation on the basis of seniority in that Organisation.

5. In view of the above, there is no force in the T.A. and the same is accordingly dismissed.

6. Parties to bear their own costs.


(B.B. MAHAJAN)
Member (Admn.)


(D.L. MEHTA)
Vice Chairman

Shashi/