

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 03.11.1993.

OA 845/92
(OA 38/88)

NIYAZUDEEN ... APPLICANT.

V/s.

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

THE HON'BLE MR. GOPAL KRISHNA, MEMBER (J).
THE HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI J.K. KAUSHIK.

For the Respondents ... SHRI MANISH BHANDARI.

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

The applicant, Niyazudeen, has filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying that the order at Annexure A-1 dated 20.6.87 be set aside and the respondents be directed to post the applicant as Painter Khalasi and allow him to join the said post with full pay and other allowances and amenities w.e.f. 20.6.87.

2. We have heard the learned counsel for the parties and perused the records. The contentions of the applicant are that he was first appointed as a Substitute Gangman on 6.9.82 in the grade Rs.196-232 and ^{he} was confirmed on 21.3.84 in the grade of Rs.200-250. Thereafter, the applicant had moved an application before the Permanent Way Inspector, Bhawani Mandi, on 5.3.85, requesting him to utilise his services as a Painter Khalasi till the return of Shri Ram Lal from Iraq. When Shri Ram Lal, Painter Khalasi, returned

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from Iraq on 12.6.87 the applicant was ordered to go back to his original post of Gangman by the impugned order. It is evident that the applicant was merely utilised as a Painter Khalasi at his own request in writing till the return of Shri Ram Lal from Iraq, who had gone on deputation to that place. As such, after the return of Shri Ram Lal, the applicant loses the claim to the post held by him as a Painter Khalasi and, therefore, he was rightly sent back to his original post of Gangman.

3. We do not find any error in the impugned order and it needs no interference. This OA is, therefore, dismissed, with no order as to costs.


(O.P. SHARMA)

MEMBER (A)


(GOPAL KRISHNA)

MEMBER (J).