

✓

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 584 of 2003

Jabalpur, this the 16th day of September, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. A.K. Bhatnagar, Judicial Member

Anand Mallah,
Son of Buddhalal Mallah,
aged about 40 years,
working as Hospital Attendant,
Health Centre, Central Railways,
Damoh (MP)

APPLICANT

(By Advocate - Shri P.K. Mishra)

VERSUS

1. Union of India,
Central Railways Board,
through its Chairman,
New Delhi.
2. Divisional Railway Manager,
Central Railways, Jabalpur.
3. Chief Health Officer,
Central Railways, Jabalpur.
4. Medical Superintendent,
Central Railways, New Katni Jn.
Katni (MP)
5. Assistant personnel Officer (Ka),
Central Railways, Jabalpur.
6. Shankarlal Jalwanshi,
Son of Kaluram Jalwanshi,
Field Worker, Railway Hospital,
Jabalpur (MP)

RESPONDENTS

(By Advocate - Shri H.B. Shrivastava)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman-

By filing this OA, the applicant has sought the following main reliefs :-

- "i.to issue a direction in favour of the applicant directing the respondents to promote the applicant on the post of Field Worker considering him as senior and further the reversion of the applicant to the post of Hospital attendant vide order dated 17.6.1995 (ANN-A/3) be quashed with immediate effect;



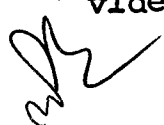
ii. to direct the respondents to give all consequential benefits to the applicant from the date of his reversion i.e. 17.6.1995, which he was getting on the post of Field Worker at the pay-scale of Rs.950-1400/- till date;

iii. to quash the order ANN-A-6 dt.21.5.96 as it has been made effective retrospectively and also quash the order dated 11.12.2002(ANN-A/9) passed by the non-applicant no.2."

2. The brief facts of the case are that the applicant was appointed in the Railway service under the respondents in group'D' cadre on 14.12.1984 and was promoted to the grade of Rs.2610-3540/- as Hospital attendant Grade II in restructuring scheme w.e.f. 1.3.93. The applicant occupies a place at Sr.No.8 of the seniority list circulated on 16.10.2000, whereas the private respondent no.6 is shown at Sr.No.4. The respondents have notified 3 vacancies of Field Worker in the grade of Rs.950-1400/- inviting the application for Group D employees. The applicant has applied for the aforesaid post and was appointed on the said post. Thereafter he was reverted back to his original place and post at Damoh vide order dated 17.6.95(Annexure-A-3). Aggrieved by this the applicant has filed this OA.

3. Heard the learned counsel for the applicant and respondents.

4. We have given careful consideration to the rival contentions of the parties, we find that in order dated 1.2.1993(Annexure-A-2) wherein it is clearly mentioned that the post of Field Workers are filled up on ad-hoc basis. The applicant has applied for the said post and was appointed on the said post alongwith 2 other persons. Subsequently, out of 3 posts only 1 post remained continued and other 2 posts were dispensed with. Therefore, 2 selected candidates were reverted back to their original department and the applicant being junior to private respondent no.6 Mr. Shankarlal Jalwanshi ~~and~~ was reverted to the original place and post at Damoh vide order dated 17.6.95(Annexure-A-3). There was only



one post of Field Worker at Jabalpur and the senior most private respondent no.6 was retained and other 2 persons were reverted back. It is seen from the seniority list filed as Annexure-R-1 that the private respondent no.6 is the senior most. Therefore, the respondents have taken action in accordance with the rules and law. We do not find any illegality in the action of the respondents. Accordingly, the OA is dismissed. Before we may part with the order, it is observed that the applicant had worked on the post of Field worker on ad-hoc basis for a period from 16.2.1993 to 17.6.1995. Therefore, as and when the vacancies of field Workers occur, he may be considered on the ad-hoc basis against the said post. There is no order as to costs.

(A.K. Bhattachagar)
Judicial Member

(M.P. Singh)
Vice Chairman

पृष्ठान्त सं ओ/न्या.....जबलपुर, दि.....
पत्तिलिपि अर्जित:-

- (1) सचिव, उच्च न्यायालय वार एसोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसल P14 Mishra
- (3) प्रत्यर्थी श्री/श्रीमती/कु.....के काउंसल H B Shrivastava
- (4) मजिस्ट्रेट, के.प्र.अ., जबलपुर न्यायपीठ
सूचना एवं आवश्यक कार्यवाही हेतु
skm

Issued
On 10-11-04
BS

10/11/04
उप रजिस्ट्रार