

CENTRAL ADMINISTRATIVE TRIBUNAL  
JABALPUR BENCH  
JABALPUR

O.A.No.683/2003

Hon'ble Sh. Sarveshwar Jha, Member (A)  
Hon'ble Sh. G. Shanthappa, Member (J)

Jabalpur, this the 6th day of November, 2003

Shri Bhupendra Singh Chouhan  
s/o Shri L.S.Chouhan  
r/o A4 Tarun Vihar  
Phase - III  
Bedi Nagar  
Jabalpur.

..... Applicant

(By Advocate: Sh. Sajid Akhtar)

versus

1. Union of India  
through The Secretary  
Ministry of Railways.
  2. General Manager  
West Central Railway  
Jabalpur.
  3. Chief Personnel Officer  
West Central Railway  
Jabalpur.
  4. Divisional Railway Manager (P)  
Ratlam Division  
Ratlam.
- ... Respondents

(By Advocate: Sh. M.N.Banerjee)

O R D E R (Oral)

By Sh. Sarveshwar Jha, Member (A):

Heard the learned counsel on either side.

2. The applicant has preferred this OA against the orders of ~~the~~ Respondent No.3 dated 28.8.2003 and has prayed that the said orders may be stayed ~~and quashed~~ and quashed.

3. The facts of the matter, briefly, are that the applicant was a Senior Khallasi in Ratlam Division of West Central Railway (Respondent No.4) and that he had opted for his transfer to newly created Zone,

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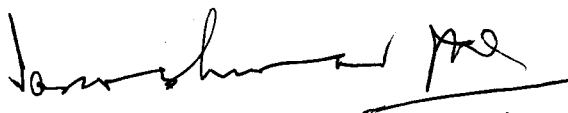
namely, West Central Zone, Jabalpur. Accordingly, he joined in the new Zone in August, 2003. However, ~~and accordingly~~ there was no post duly sanctioned ~~him~~ his posting order has not been issued. The respondents have submitted that there is no post of Senior Khalasi available in the Headquarters of the said Zone and for that reason he could not be appointed against the post of Senior Khallasi in that Zone. They have also submitted, in their reply, that there is no appropriate post of Grade 'D' available in the Zone against which he could have been adjusted. However, the only alternative available before the respondents is to adjust him against the post of Peon which would be in a slightly lower scale of Pay of Rs.2550-3200 ~~than~~ ~~to~~ that of Senior Khallasi.

4. In that case, the respondents have undertaken that his pay will be protected and seniority will be fixed as under the relevant instructions for fixing seniority of those who opt for transfer <sup>a</sup> to ~~newly~~ created ~~xxxxx~~ Zone.

5. The learned counsel for <sup>the</sup> respondents has also submitted that the cadre in the parent organisation of the applicant is already closed and therefore in the event of the applicant being repatriated to his parent organisation, he would not get his old seniority and, in the process, he would be losing.

6. We have considered the entire facts of the matter as submitted by both the sides. After hearing the learned counsel on both <sup>the</sup> sides, and also after having perused the material on record, we are of

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the considered opinion that the appropriate course would be that the applicant is adjusted by the respondents presently against a suitable post in Group 'D' which is immediately available, protecting his pay as he was drawing in the previous post and making efforts to provide him the appropriate post which he was holding earlier in due course ~~and~~ as and when such a post is available. The respondents are further directed that necessary reasoned and speaking orders in this regard shall be issued by them within a period of one month from the date of receipt of a copy of this order.

7. At this stage, after dictating the above orders, the learned counsel for the applicant has submitted that he has not been paid salary for the month of September and October, 2003 till date and also stated that his seniority may be protected in accordance with rules on the subject. ~~In this view of the matter~~ The respondents' <sup>has</sup> counsel <sup>been</sup> stated that the directions have <sup>been</sup> already passed to pay the salary for the above two months. In this view of the matter the respondents are also directed to ensure that the salary of the applicant against a suitable post to which he is appointed protecting his pay for the months of September, and October, 2003 ~~would~~ be drawn and paid to him within the next 15 days. It is needless to say that the respondents shall ensure that the seniority of the applicant is decided strictly in accordance with the instructions which are relevant on fixing of seniority of such employees as ~~have~~ come to the new Zone after exercising necessary option.

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