

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 522 of 1998

Jabalpur, this the 24th day of February, 2003

Hon'ble Mr. R.K. Upadhyaya-Member (Administrative)
Hon'ble Mrs. Meera Chhibber-Member (Judicial)

J.P. Sadhya, S/o Shri Ramsewak Sadhya
Aged about 37 years, Scale Porter in
Central Railway, R/o Pushpam Apartment,
LIC Block B/105, Hamidia Road, Near Bharat
Talkies, Tah. & Distt. Bhopal (MP)

- APPLICANT

(By Advocate - Shri R.K. Samiya)

VERSUS

1. The Union of India, Through the General Manager, Central Railway-Mumbai (B.T.).
 2. The Chief Commercial Manager, Central Railway, Mumbai (B.T.).
 3. The Divisional Railway Manager (Commercial), Central Railway, Bhopal (MP).
 4. The Divisional Manager-Railway (Personnel), Central Railway, Bhopal (MP).
 5. The Assistant Commercial Manager, Central Railway, Ticket Checking Branch, Bhopal (MP).
 6. The Station Manager, Central Railway, Bhopal (MP) - RESPONDENTS
- (By Advocate-Shri S.P. Sinha)

ORDER (Oral)

By R.K. Upadhyaya, Member (Admnv.)-

The applicant has challenged order dated 19.6.1998 (Annexure-A-5) by which he has been asked to report to the Chief Parcel Supervisor for further orders.

2. It is claimed by the applicant that he was assigned the duties of Parcel Porter at Bhopal in the year 1989. By an order of Assistant Personnel Officer, Bhopal dated 18.2.92 (Annexure-A-2) the applicant, who was working in the scale of Rs. 750-940 as Goods Porter, was deputed to work in the Headquarters Flying Squad, Mumbai office as a Scale Porter in the same scale of Rs. 750-940. However, the applicant was subsequently repatriated back to his parent division vide order dated 13.6.1994 (Annexure-A-3) issued by the Office of C.C.M. Bombay V.T.. On joining at Bhopal, the applicant was

Chhibber

posted as Scale Porter in the scale of Rs.750-940 by an order dated 13.7.1994 (Annexure-A-4) issued by the Assistant Personnel Officer, Bhopal. However, by the impugned order dated 19.6.1998 (Annexure-A-5), the applicant has been directed to report to the Chief Parcel Supervisor for further orders. The learned counsel of the applicant states that the impugned order dated 19.6.1998 has been issued by a lower authority whereas the applicant was asked to work as Scale Porter by the superior authority. Therefore, the transfer order of the applicant (Annexure-A-5) deserves to be quashed and the applicant having rendered several years of service as Scale Porter deserves to be retained as Scale Porter.

3. The learned counsel of the respondents invited attention to the reply filed and stated that the applicant has not been promoted to higher grade of Scale Porter. He was given the same scale of pay of as Parcel Porter while working with Headquarters Flying squad, Mumbai, on his own request, or even after he was repatriated to Bhopal. It was further stated that nobody junior to the applicant has been promoted to higher scale of Scale Porter. Therefore, the applicant cannot have any claim for being posted as Scale Porter. He further stated that it is for the administration to assign work to the applicant as he is substantively in the cadre of Parcel Porter only. Referring to the impugned order dated 19.6.1998 it was stated that this was merely a direction to the applicant to report to the Chief Parcel Supervisor for further orders. It does not mean that the applicant has been reverted or any order of superior authority has been changed by a subordinate officer.

4. We have heard the learned counsel of both the parties and have perused the material available on record carefully.

5. There is no dispute that the applicant was holding substantive post of Parcel Porter in the scale of Rs.750-940.

Handwritten signature

He had been deputed to work as Scale Porter with Headquarters Flying Squad, Mumbai in the same pay scale of Parcel Porter on his own request. It is neither deputation nor a promotion, only duties different than that of a Parcel Porter were assigned. The respondents have categorically stated that nobody junior to the applicant has been promoted as Scale Porter. Therefore, the applicant cannot claim that his right to promotion had been affected by the impugned order. In any case, the impugned order is only a direction to the applicant to receive further orders from the Chief Parcel Supervisor. However, it does not amount to curtailment of any of the rights of the applicant. Therefore, the entire claim of the applicant in this O.A. is misconceived. In this view of the matter, this O.A. is dismissed. The interim order dated 30.7.1998 stands vacated. In the facts and circumstances of the case, the parties shall bear their own costs.

(Signature)

(Mrs. Meera Chhibber)
Member (Judicial)

(R.K. Upadhyaya)
Member (Admnv.)

rkv.

पृष्ठकल सं ओ/न्या.....जयलपुर, दि.....

परिलिखित अर्थ निम्न:-

(1) रजिस्ट्रार, जयलपुर, जयलपुर, जयलपुर

(2) जयलपुर, जयलपुर, जयलपुर, जयलपुर

(3) जयलपुर, जयलपुर, जयलपुर, जयलपुर

(4) जयलपुर, जयलपुर, जयलपुर, जयलपुर

सूचना एवं आदेशों के अनुसार

R. K. Samiya, A/c
S. P. Sinha, A/c

(Signature)
2/8/03

Issued
on 3.3.03
BS