

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

17.06.2008.


OA No. 230/2008.

Mr. P.N. Jatti, Counsel for applicant.

Heard learned counsel for the applicant. I am of the view that *this is not a case whereby stay is required to be granted.*

Learned counsel for the applicant seeks time to seek instruction from his client in the matter.

Let the matter be listed on 20.06.2008.


(M.L. CHAUHAN)
MEMBER (J)

AHQ

20.06.2008.

OA No. 230/2008

Mr. P.N. Jatti, Counsel for applicant.

Heard learned counsel for the applicant.

For the reasons dictated separately, the OA is disposed of.


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 20TH day of June, 2008

ORIGINATION APPLICATION NO. 230/2008

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER

Heera Lal Vyas son of Shri Babu Ram Vyas by caste Vyas aged about 51 years resident of Behind Dangi - Factory, Near Sanwaria Temple, Ajad Nagar, Bhilwara, presently working under Welfare Commissioner, Ajmer.

.....APPLICANT

(By Advocate: Mr. P.N. Jatti)

VERSUS

1. Union of India through the Secretary, Ministry of Labour & Employment, Shram Shakti Bhawan, Rabbi Marg, New Delhi.
2. The Welfare Commissioner, Office of the Welfare Commissioner, Labour Welfare Organisation, B-115, Jatia Hills Data Nagar, Ajmer (Rajasthan).
3. The Director General (LU) Govt. of India, Ministry of Labour & Employment, Jaisalmer House, Mansingh Road, New Delhi.

.....RESPONDENTS

(By Advocate: ----)

ORDER (ORAL)

The applicant has filed this OA thereby praying for quashing the impugned order dated 30.04.2008 (Annexure A/1) and 17/21.1.2008 (Annexure A/2). It may be stated here that validity of the order dated 17/21.01.2008 was the subject matter of controversy in OA No. 40/2008 whereby this Tribunal has upheld the validity of the said order. Further while disposing of the OA, the respondents were directed to decide the

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representation of the applicant dated 22.01.2008 (Annexure A/5) sympathetically and explore the possibility to adjust the applicant in Ajmer Region. It was further directed that till the decision is not taken on the representation of the applicant, the respondents shall maintain status quo qua the applicant.

2. Pursuant to the observations made by this Tribunal, the respondents have passed the impugned order dated 30.04.2008 (Annexure A/1) whereby the respondents have categorically stated that there is no other post of Radiographer sanctioned/vacant in Ajmer Region and hence it will not be possible to adjust the applicant in Ajmer Division. It was further stated that the request of the applicant to adjust him in the office of WC Ajmer against the post of Head Clerk cum Accountant cannot be acceded to as the said post is in higher pay scale than the post of Radiographer.

3. Learned counsel for the applicant submits that in fact the applicant was working against the post of Head Clerk/Accountant and is not in higher grade. For that purpose, he has drawn my attention to note sheet at Page No. 24. Perusal of the note sheet shows that office had approved the proposal whereby it was stated that the two posts (1 post of Accountant and 1 post of Head Clerk) are lying vacant, which should be filled in expeditiously and till then, the applicant and one Shri Shankar Lal may be asked to ^{perform} ~~fill~~ the duty.

4. Thus from Annexure A/6, it is clear that applicant was given the stop gap arrangement of the said post till the post is filled in accordance with rules. The applicant has got no indefeasible right to hold the post. Thus I am of the view that there is no infirmity in the impugned order dated 30.04.2008 (Annexure A/1).

5. In view of what has been stated above, the OA is bereft of merit and is accordingly dismissed.


(M.L. CHAUHAN)
MEMBER (J)

AHQ