

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

15.2.2008

OA 45/2008

Mr. Sanjay Srivastava, counsel for applicant.

Heard the learned counsel for the applicant. The OA stands dismissed, at admission stage itself, by a separate order.


(J.P. SHUKLA)

MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

vk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 15th day of February, 2008

ORIGINAL APPLICATION NO.45/2008

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.J.P.SHUKLA, ADMINISTRATIVE MEMBER

Nauratan Mal Mumawat,
Head Ticket Collector,
O/o Railway Station,
Ajmer.

... Applicant
(By Advocate : Shri Sanjay Srivastava)

Versus

1. Union of India through
Secretary,
Ministry of Railway,
New Delhi.
2. General Manager,
North Western Railway,
Head Office Ganpati Nagar,
Jaipur.
3. Sr.Divisional Commercial Manager,
North Western Railway,
Ajmer.
4. Station Supdt.,
Station Ajmer,
North Western Railway,
Ajmer.

... Respondents
(By Advocate : - - -)

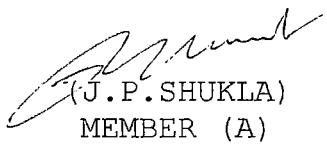
ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

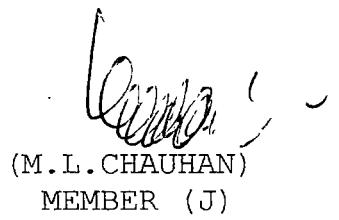
Heard the learned counsel for the applicant.
Grievance of the applicant is regarding impugned

order dated 17.1.2008 (Ann.A/1), whereby current duty charge given to the applicant has been withdrawn. Learned counsel for the applicant could not satisfy us as to what legal right the applicant has got to continue to carry on the current duty. Moreover, the matter is no longer res-integra in view of the decision given by the Apex Court in the case of **State of Haryana v. S.M.Sharma and others**, 1993 SCC (L&S) 1072, wherein an Assistant Engineer was given the current duty charge of the post of Executive Engineer and later the said order was withdrawn. The applicant therein took the matter to the High Court and the High Court allowed the petition. The matter was carried to the Apex Court and the Apex Court in para-12 of its decision deprecated the action of the High Court and held that no one has a right to ask for or stick to a current duty charge.

2. In view of the law laid down by the Apex Court, we are of the view that the applicant has not made out any case for interference by this Tribunal. Accordingly, the OA is dismissed with no order as to costs.



(J.P.SHUKLA)
MEMBER (A)



(M.L.CHAUHAN)
MEMBER (J)

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