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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No. 918/98

New Delhi: this the 29th day of September, 1999.

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

HON'BLE MR.KULDIP SINGH, MEMBER (J)

1. Jia Lal s/o Sh. Ram Saran,
R/o A-5, Lodhi Colony, Railway Colony,
New Delhi.

2. Rajpal, s/o Sh. Nanwa Ram,
R/o T-7A, Kishanganj Railway Colony,
New Delhi.

3. Har Lal Singh,
s/o Sh. Rati Ram,
R/O E-10/T-29, Nizammudin Railway Colony,
New Delhi. Applicants.

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India
through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Divisional Railway Manager,
Northern Railway,
Delhi Division,
Near New Delhi Railway Station,
New Delhi.

3. The Assistant Engineer,
(Estate(I), Northern Railway,
New Delhi Railway Station,
New Delhi. Respondents.

(By Shri D.P. Kshatriya, Adv)

ORDER

HON'BLE MR.S.R.ADIGE VICE CHAIRMAN (A).

Applicants impugn respondents' order
dated 3.3.98 (Annexure-A/2) and order dated 20.4.98
(Annexure-A/1).

2. Applicants were appointed as Khalasis in
Railway Department between 1964 and 1977 and were
promoted as Artisan Staff Grade III after passing the

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requisite trade test and other suitability test in 1983, 84 and 1985. The next level of promotion is Artisan Grade II (Rs.1200-1800). Consequent to restructuring there was upgradation in Artisan Staff in the ratio of 30:35:35 and by order dated 13.11.96 (Annexure-A/4) applicants were placed in the scale of Rs.1200-1800, which came into effect in June, 1997. However, by respondents' instructions dated 3.3.98 (Annexure-A2) those promotions were cancelled. Soon after, by orders dated 6.3.98 (Annexure-A/3) those instructions dated 3.3.98 were ordered to be kept in abeyance but subsequently by order dated 20.4.98 those orders dated 6.3.98 were withdrawn and the promotions therefore stood cancelled in terms of respondents' instructions dated 3.3.98.

3. We have heard applicants' counsel Shri Sharma and respondents' counsel Shri Kshatriya.

4. Shri Yogesh Sharma has challenged the action of the respondents on various grounds including the fact that they have reverted applicants without any show cause notice and furthermore, applicants have been reverted from a retrospective effect which is not permissible under law. He has also emphasised that applicants were promoted after having been trade tested.

5. It is not denied that applicants were promoted on regular basis, and if at all they were to be reverted, that could have been done only after having put them to notice. Furthermore, it is well settled

that applicants cannot be reverted from a retrospective date as has been done in the present case.

6. The impugned orders in so far as they relate to the present applicant, therefore, cannot be sustained in law.

7. The OA therefore succeeds and is allowed to the extent that the impugned orders in so far as it relates to the present applicants before us, are quashed and set aside. Applicants should be restored to their positions, with consequential benefits within three months from the date of receipt of a copy of this order. If at all respondents seek to revert applicants they shall do so strictly in accordance with law. No costs.

Kuldip Singh
(KULDIP SINGH)
MEMBER(J)

S.R. Adige
(S.R. ADIGE)
VICE CHAIRMAN (A).

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