

Central Administrative Tribunal  
Principal Bench

O.A. No. 501 of 2000

New Delhi, dated this the 23rd November, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Gayadin,  
S/o Shri Bhageloo Ram,  
R/o E-5/36, Sultan Puri,  
New Delhi.

.., Applicant

(By Advocate: Shri Ashwani Bhardwaj)

Versus

1. Union of India through  
the Secretary,  
Ministry of Railways,  
Baroda House, New Delhi.
2. The Divisional Personnel Officer,  
Northern Railways,  
Divisional Office,  
New Delhi.

.. Respondents

(By Advocate: Shri P.M. Ahlawat)

ORDER (Oral)

MR. S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated  
March, 2000 reverting him from the post of ESM-III to  
Helper Khallasi on the ground that his promotion was  
erroneous.

2. We have heard applicant's counsel Shri  
Ashwani Bhardwaj and respondents' counsel Shri  
Ahlawat.

3. We note that respondents issued a show  
cause notice against his reversion on 3.6.99  
(Annexure A/1) to which applicant submitted his reply  
dated 16.6.99 (Annexure A/10). Respondents contend  
that this reply dated 16.6.99 was not received by

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them, but we notice that a signature of some one dated 21.6.99 above which written the words 'received', on the photocopy of that reply dated 16.6.99.

(3)

4. The reply applicant dated 16.6.99 to the show cause notice is very sketchy and does not give any details why he is challenging the reversion.

5. From the available pleadings it appears that applicant has been reverted, on the ground that his initial promotion was erroneous because he did not have sufficient length of continuous service, he according to respondents ~~applicant~~ having remained absent for different spells.

6. Applicant, however, contends that he was working in some other section of the respondents during most if not all of that period and hence cannot be treated to have been absent.

7. We have considered the rival contentions carefully. In the interest of justice it is fit and proper that in the event <sup>~ applicant</sup> submits a self-contained representation against his reversion vide order dated March, 2000, supported with such materials as are in his possession within four weeks from the date of receipt of a copy of this order, respondents should

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consider the same and pass detailed, speaking and reasoned order therein in continuation of their impugned order dated March, 2000 accepting or rejecting applicant's claims contained in the representation. Till then the interim orders passed on 31.3.2000 restraining respondents from reverting applicant shall continue.

8. Thereafter if any grievance still survives it will be open to applicant to agitate the same through appropriate original proceedings in accordance with law, if so advised.

9. The O.A. stands disposed of accordingly.  
No costs.

A. Vedavalli  
(Dr. A. Vedavalli)

Member (J)

S.R. Adige  
(S.R. Adige)  
Vice Chairman (A)

'gk'