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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH.
NEW DELHI.

O.A.No.1704/89

New Delhi this 9th May, 1994.

Hon'ble Mr. J.P. Shrama, Member(J)

Hon'ble Mr. S.R. Adige, Member(A)

Shri Inder Raj Singh
s/o Shri Hardeva,
Gestetner Operator,
Under Sr. Civil Engineer(S.II)
Northern Railway,
Tilak Bridge,
New Delhi

By Advocate Shri B.S. Mainee

.....Applicant.

Versus

Union of India through

1. General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Chief Administrative Officer
(Construction),
Northern Railway,
Kashmere Gate,
Delhi.

3. The Senior Civil Engineer(S-II),
Northern Railway,
Tilak Bridge,
New Delhi.

By Advocate Shri D.N. Moolri

.....Respondents.

JUDGMENT

By Hon'ble Mr. S.R. Adige, Member(A)

The grievance of the applicant Shri Inder Raj Singh, Gestetner Operator, Northern Railway is that he be allowed to work peacefully against the post of Gestetner Operator in the scale of Rs.260-350/-, since revised to Rs.950-1400/-.

2. The applicant contends that he was appointed as a Casual Labourer(Khalasi) on 3.1.79 on daily wages under the Chief Engineer(Construction), Northern Railway, Delhi. After working on daily wages

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for six months, he was put to work in the scale of Rs.196-232/-(RS). He claims to have been promoted as Gestetner Operator in the grade of Rs.210-270/-(RS) w.e.f. 6.1.82, and was also accorded temporary status as per directions of the Hon'ble Supreme Court in Inderjit Yadav's case on 1.1.83. He claims that he was subsequently promoted to the next higher post of Gestetner Operator in the grade of Rs.260-350/-(RS) w.e.f. 30.9.86 vide respondent no.3's letter dated 30.9.86, and was working continuously on that post in the said grade when all of sudden the respondent no.2 vide his impugned letter dated 21.8.89(Annexure-A1) passed orders that the earlier orders stood cancelled and the applicant be reverted and refixed in the grade Rs.210-270(RS) and the excess payment made to him be recovered.

3. The respondents have challenged the contents of the O.A. in their counter affidavit and have pointed out that the applicant has acquired temporary status but has not yet been screened, nor is he absorbed in service. They state that he was put to work in the lowest scale of post which is Rs.210-270/-, but by departmental error he was given the scale of Rs.260-350/-(RS) which has now been sought to be corrected vide impugned letter dated 21.8.89.

4. We have heard Shri B.S.Mainee, learned counsel for the applicant and Shri O.N.Moolri, learned counsel for the respondents.

5. We note that the impugned letter dated 21.8.89 sought to be given effect to in regard to the applicant will adversely effect the applicant by putting him in a lower pay scale and making recovery from his salary, without giving him an opportunity to represent

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against such action.

6. Under the circumstances, without going into the merit of the case at this stage, we direct the respondents to give an opportunity to the applicant to show cause against the proposed reversion to a lower pay scale within three months from the date of receipt of a copy of this order, and dispose of the same by means of a reasoned order. Till such time as the respondents dispose of the applicant's representation or till the applicant is replaced by a regularly appointed candidate, whichever is earlier, the applicant shall not be reverted from the post he is holding at present. If after disposal of the applicant's representation by the respondents, any grievance still survives, it will be open to the applicant to approach the Tribunal *if so advised*.

7. This application is disposed of in terms of the above directions. No costs.

S.R. Adige
(S.R. ADIGE)
MEMBER(A)

J.P. Sharma
(J.P. SHARMA)
MEMBER(J)

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