

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No.1823/1988

New Delhi, this 2nd February, 1994

Hon'ble Shri C.J.Roy, Member (J)

Hon'ble Shri P.T.Thiruvengadam, Member (A)

Shri Devinder Kumar
s/o Shri Banwari Lal Bhargava,
Near Budha Mata, Qutabpur,
Rewari.
(By Shri VP Sharma, Advocate)

.. Applicant.

Vs.

1. Union of India through
the General Manager,
Northern Railway, Baroda House,
Delhi.
2. The Divisional Railway Manager,
Northern Railway, Bikaner.
3. The Deputy Chief Mechanical Engineer,
Northern Railway Workshop, Jodhpur.
4. Shri Tara Singh Boiler Maker Chargeman,
Northern Railway Locoshed, Hanumangarh.
5. Shri Jagdish Chander Boilermaker Chargeman
Northern Railway, Locoshed Sirsa (Haryana) ... Respondents.
(By Shri Romesh Gautam, Advocate.)

ORDER

(delivered by Hon'ble Shri P.T.Thiruvengadam)

The applicant was working as Boiler Maker Mistri in Bikaner Division of Northern Railways when he was promoted on ad hoc basis as Boiler Maker Chargeman grade 'B' in April, 1983. Reversion orders were issued on 28-9-1988 reverting him to the post of Mistri. This was challenged by the applicant in another O.A. No.2117 of 1988 in which it was claimed that there are others junior to him who were to be reverted first. The applicant also contended that he had already been promoted on regular basis in the year 1983 and hence his reversion in 1988 without any enquiry is illegal.

2. In the present O.A. which has been filed around the same time as the other O.A. mentioned supra, the relief claimed is as under:-

"The applicant is entitled to be regularised

on the post of Boiler Maker Chargeman grade 'B' and reverting the applicant is illegal."

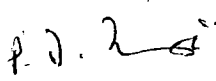
The main grounds advanced are the same as those advanced in the O.A. already disposed of.

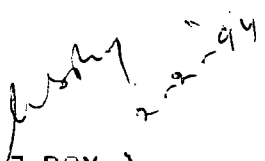
3. Para 4 of the orders passed on 23-12-1988 in O.A.2117/88 reads as under:-

"On the facts and circumstances of the case and for the reasons mentioned above, we quash the order dated 29-9-88 reverting the applicant from the post of B.M.Chargeman to the post of Mistry. However, we have found no merit in the claim of the applicant that he was working on the post of B.M.Chargeman on regular basis. It has come to our notice that the respondents have held a test for making regular promotion to the post of B.M.Chargeman and on the basis of the direction of this Tribunal in O.A.1823/88, the applicant has been allowed to appear in that test. If the applicant is not found eligible or qualified for regular promotion to the post of Chargeman Grade 'B', he can be reverted to the lower post of Mistry by a separate order."

4. Since the relief claimed in this O.A. has already been dealt with and suitable orders have been passed as above and also since the grounds raised are the same as ⁱⁿ the previous O.A., we do not see any reason to go into the details once again. We expect that respondents who are the same in both the O.As would have acted as per the orders already passed on 23-12-1988.

5. O.A. is disposed of accordingly. There will be no order as to costs.


(P.T.THIRUVENGADAM)
Member (A)


(C.J.ROY)
Member (J)