

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A.967/86

Date of decision: 7/4/92

Dharam Pal

.. Applicant.

Versus

Union of India & ors.

.. Respondents.

Sh.B.S.Charya

.. Counsel for the  
applicant.

Sh.B.K.Aggarwal

.. Counsel for the  
respondents.

**CORAM:**

The Hon'ble Sh.Justice Ram Pal Singh, Vice-Chairman(J).

The Hon'ble Sh.I.P.Gupta, Member(A).

**J U D G E M E N T**

(Delivered by Hon'ble Sh.I.P.Gupta, Member(A) ).

In this application the applicant was appointed as Gateman and later promoted as Ticket Collector on ad-hoc basis under 'summer-rushpost'. On expiry of the summer rush he was reverted but the learned counsel for the applicant contends that he did not receive any order of reversion. In any case he was continued at New Delhi railway station by the Station Superintendent, New Delhi against one of the vacancy<sup>ies</sup> locally available, upto 10.2.85 and was reverted on resumption of the regular incumbent. In the facts and the circumstances of the case his reversion cannot, therefore, be considered irregular or illegal. However, the learned counsel for the applicant contends that there were other similarly placed employees who were promoted later as Ticket Collectors on ad-hoc basis on summer rush posts. If that be so, the respondents are directed to ensure that the reversion is <sup>first</sup> based ~~of~~ the person having been promoted last in other words an employee who was promoted on ad-hoc basis under summer rush posts last should revert first.

2. The learned counsel for the applicant further contends that the applicant has not received wages for certain periods either as Gateman or as Ticket Collector, for example, he contends that he was not allowed to perform duties since 1.9.85. Wages, as due to him, either as Ticket Collector or as Gateman should be paid to the applicant within a period of three months from the date of communication of this order. It is not the fault of the applicant if he reported for duty at a location in compliance with the orders, but the post was not available. If there are records to show that he did report for duty, he should be paid his wages, as due, by creating <sup>Supernumerary</sup> ~~supernary~~ post, if necessary. However, if there is no evidence with the respondents about reporting for duty by the applicant, the wages would not be payable. A personal hearing may be given to the applicant, by the respondents to enable him to satisfy the respondents as to when he reported for duty and for what period he did actually work for which he was not paid the wages.

3. With the aforesaid directions the case is disposed of with no order as to costs.

*I.P. Gupta*  
(I.P.GUPTA)  
MEMBER(A)  
7/4/92

*Ram Pal Singh*  
(RAM PAL SINGH)  
VICE CHAIRMAN(J)  
11/7/92