

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.264/91

New Delhi this the 30th Day of March, 1995

Hon'ble Shri J.P. Sharma, Member (J)
Hon'ble Shri B.K. Singh, Member (A)

Shri Krishan Kumar
S/ Shri Khiali Ram

Shri Raj Kumar Bhatia
S/o Shri Guditta Ram

(Both Drivers Gr 'C'
under Locoforeman,
Northern Railway,
Bhatinda

.... Applicant

C/o Shri B.S. Mainee,
Advocate

240, Jagriti Enclave
Vikas Marg Extn
Delhi.

(Shri B.S. Mainee : Advocate)

Versus

Union of India, through

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

2. The Divisional Railway Manager,
Northern Railway,
Ambala.

3. The Locoforeman,
Northern Railway,
Bhatinda

... Respondents

(Shri B.K. Aggarwal : Advocate)

Judgement (Oral)

(By Hon'ble Shri J.P. Sharma, Member (J))

Both the applicants have jointly filed this application against the impugned Order dated 14.01.1991 passed by the Divisional Personnel Officer Northern Railway, Ambala, (Annexure A-1) by which the applicants were directed to be reverted from the post of Grade 'C' (Driver) to the post of Shunter, as they failed in the selection.

2. The respondents contested this application and stated that for promotion to the post of driver, ^{and} training course is a pre-requisite, for promotion to the

the said post there is selection by way of written examination as well as viva voce and the applicant after qualifying the written examination could not make grade for empanelment after viva voce and as such all those along with the applicants who could not make grade for empanelment were reverted to the substantive post and the applicants were reverted as shunter.

3. We heard the learned counsel for the applicant Shri B.S. Mainee and Shri B.K. Aggarwal, for the respondents. Shri Aggarwal informed that he has by post to Applicant No.1 Shri Krishan Kumar but that has been returned to the department by endorsement of the Postoffice, that "the applicant Shri Krishan Kumar has expired".

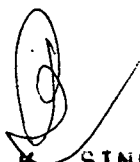
4. The learned counsel for the applicant is not aware of the matter. By the Order dated 1.2.1991 the impugned order of reversion was stayed for a period of 14 days and that interim order continues. However, the respondents in their reply have stated in Para 4.1 and 4.13 of the O.A. that the applicants before the passing of the order, ^{next} in favour of the applicant or maintaining statusquo for not reverting the applicants, already stood reverted before passing of that order.


5. We have heard a similar case on 21.3.95 in O.A. No.236/91 Tirlok Nath & 4 others Vs U.O.I. and the issue raised in that O.A. has been the same as in the present O.A. The petitioners of that O.A. were also shunters who were also promoted on adhoc basis as Driver Grade 'C' but they could not come out successful for empanelment in the selection and, therefore, by the same impugned order as in the case of the applicants, were reverted to the substantive post of shunters. The

Counsel in that case also have been the same as in the present O.A. After considering the whole matter on merits and analysing the arguments of the respective counsels we rejected this application by the Order dated 21.03.1995. The learned counsel for the respondents has placed before us the copy of the Order and argued that the case of the present applicants is fully covered by the judgement delivered by us on 21.03.1995, in O.A. No.236/91. This fact is not disputed by the learned counsel for the applicant Shri B.S. Mainee who appeared in the case for the applicants and who had also appeared for the petitioners in O.A.No.236/91.

6. In view of the above facts and circumstances of the case, the present Application is decided on the basis of the judgement in O.A.236/91 delivered on 21.3.95, and the Original Application is, therefore, dismissed leaving the parties to bear their own costs.

7. The Interim Order passer earlier is vacated.


(B.K. SINGH)
MEMBER (A)


(J.P. SHARMA)
MEMBER (J)