

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

DA 1525/92

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New Delhi this the 7th day of August, 1997.

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

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Kunwar Pal
S/o Sh. Jurakhan, resident of
21/5, Islam Ganj, Nagra, Jhansi
working as Y.K.C. Loco Shed, Jhansi
Central Railway.

... Applicant

(By Advocate Shri H.P. Chakravorty)

Vs.

1. Union of India, through Secretary,
Ministry of Railways, Rail Bhawan,
New Delhi.
2. The General Manager, Central Railway,
Bombay, VI
3. The Divisional Railway Manager,
Central Railway, Jhansi.

(By Advocate Shri H.K. Ganguani)

... Respondents

ORDER (ORAL)

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

Applicant impugns the reversion order dated 10.12.90 reverting him to the post of 2nd Fireman, grade No 825-1200(RPS) to the post of Y.K.C.

2. It is not disputed that the applicant was promoted as such on adhoc basis by the order dated 10.5.88 (Page 14-15 of the O.A.). His contention is that although persons junior to him were retained as 2nd Fireman, Grade No 825-1200(RPS) but, he has been arbitrarily and discriminatorily reverted from the post.

3. The respondents on the other hand contend that the applicant was wrongly promoted, on adhoc basis as 2nd Fireman, Grade No 825-1200(RPS) because persons senior to applicant had still not been promoted, and when error was detected, the applicant was reverted by the impugned order dated 10.12.90.

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4. The question whether persons junior to the applicant have been retained as 2nd Fireman or not, is a question of fact and would depend on applicant's position in the seniority list. Neither party have produced the seniority list, to enable us to determine conclusively on this point.

5. However, we note that the impugned order dated 10.12.90 suffers from an infirmity for the reason that no show cause notice was given to the applicant before reverting him, and there are no materials on record for us to conclusively hold that the applicant indeed had wrongly been promoted as 2nd Fireman Grade B 825-1200(RPS) as contended by respondents.

6. Under the circumstances, this OA succeeds to this extent that the impugned order dated 10.12.90 is quashed and set aside. Respondents should issue a show cause notice in respect of any action that they propose to take against the applicant, and give him a reasonable opportunity of being heard before they pass appropriate orders in accordance with law. These directions should be complied with by the respondents within three months from the date of receipt of a copy of this judgment.

7. OA stands disposed of as above. No costs.

Lakshmi Sumanathan
(Smt. Lakshmi Sumanathan)
Member (J)

S.R. Adiga
(S.R. Adiga)
Member (A)