

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.1425 of 1993

(A)

Date of Decision: 3rd February, 1994

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

1. Shri Hans Raj
S/o Shri Jyoti Ram
R/o Block No.123-B
Railway Colony
Kurukshetra

2. Shri Shyam Lal
S/o Shri Dwarka Prasad
R/o House No.E-13
Railway Colony
Kaithal

3. Shri Satish
S/o Shri Ram Swarup
R/o BTGF, Railway Quarters
Sonepat.

... Applicants

By Advocate Shri S. S. Tewari

Vs.

1. Union of India, through
General Manager (Northern Rly)
Baroda House
NEW DELHI

2. D.S.E.(I), NDLS
in DRM's Office
New Delhi Railway Station
NEW DELHI

3. Assistant Engineer (N.R.)
Panipat.

4. Assistant Engineer (N.R.)
Karnal.

... Respondents

By Advocate Shri H. K. Gangwani

ORDER (Oral)

Hon'ble Shri J. P. Sharma, M(J)

The applicants jointly assailed the order of dated 25.6.93 passed by the respondent No.2 by which the applicants have been reverted in view of the fact that the post of Moulder has been surrendered.

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2. The applicants have prayed for the following
reliefs:

- a) To set aside and quash the impugned order of surrender passed by the respondent No.2;
- b) Direct the respondents to accommodate the applicants in any equivalent post carrying the same pay scale;
- c) Protect the seniority of the applicants vis-a-vis their juniors;
- d) Direct the respondents not to revert the applicants;
- e) Pass any other order/s as may be deemed just and proper in the facts of the case; and
- f) Award costs.

2. The respondents in their reply have stated that there are no posts of Moulders in workshops in the Engineering Department of the Railways. From 1980 onwards the welding of joints was being done with moulds fabricated at site. for which Moulders were selected on TLA basis. Due to technical reasons, and these moulds available in trade, the system of fabrication of moulds at site has been discontinued. In para 5.3 of the counter, the respondents have stated that by way of policy, all the Moulders are being reverted and as such there is no question of junior being retained and senior being reverted.

3. In the rejoinder, the applicants have taken their stand in para 4.9 that the DSE/C/ vide his letter dated 4.8.93 has ordered that the Moulders/Looters who were to be reverted be put back into position as the surrender

has been postponed.

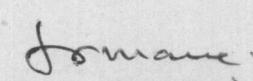
4. The learned counsel for the applicant has also filed a photocopy of the aforesaid letter and that has been taken on record.

5. In view of the above fact and circumstances, the reliefs claimed by the applicant for quashing of the order dated 25.6.93 no longer survives as the applicants have been ordered to be re-posted vide order dated 4.8.93 of D.S.C., New Delhi.

6. The learned counsel for the applicant apprehends that even thereafter, the juniors may be retained in preference to seniors. On this, the learned counsel Shri H. K. Gangwani for the respondents stated that in the event of reversion the principle of "last come first go" will be observed. This will be on the basis of existing available seniority list of the Moulders/Looters.

7. The application, therefore, is dismissed as infructuous. Costs on parties.


(B. K. Singh)
Member (A)


(J. P. Sharma)
Member (J)

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