

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD**

ALLAHABAD this the 09th day of November, 2006.

**HON'BLE MR. K. ELANGO, MEMBER-J**  
**HON'BLE MR. M. JAYARAMAN, MEMBER-A**

**ORIGINAL APPLICATION NO. 589 OF 1998**

1. Krishan Murari, S/o Sri Har Prasad, at present working as Junior Clerk-cum-Typist in Butt Welding Plant, Meerut Cantt, Meerut.
2. Sri Ram S/o Sri Sheo Lal Sharma, at present working as Junior Clerk-cum-Typist in Butt Welding Plant, Meerut Cantt, Meerut.

.....Applicants.

**V E R S U S**

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. C.T.E./NDLS, Chief Engineer, Trap Broada House, New Delhi.
3. Chief Personnel Officer, Indian Railway Headquarters, Baroda House, New Delhi.
4. Asstt. Engineer, Flash Butt Welding Plant, Northern Railway, Meerut Cantt, Meerut.

.....Respondents

Present for the Applicant:	Sri S. Mandhyan
Present for the Respondents:	Sri Anand Kumar

**O R D E R**

**BY M. JAYARAMAN, MEMBER-A**

Heard Sri S. Mandhyan, learned counsel for the applicant, and Sri Anand Kumar, learned counsel for respondents.



2. The short point that has been pleaded in this O.A. by the applicants is that they were promoted to the post of Junior Clerk-cum-Typist grade by the office letters dated 23.1.1996 and 2.8.1996 respectively and accordingly they were working on that post satisfactorily and nothing adverse has been found against them. However by the impugned order dated 21.5.98 their selection was cancelled and they were reverted from the post of Junior Clerk-cum-Typist to the post of Skilled Wireman/Helper Khalasi. The main plea of the applicants is that the prescribed procedure has been followed while promoting them on the post of Junior-cum-Typist and no opportunity what-so-ever has been given to them before passing the impugned order and abruptly they were reverted.


3. Sri Anand Kumar, learned counsel for respondents, on the other hand, has submitted that these two applicants were promoted on purely temporary basis and further the prescribed procedure was not followed and also that the channel of promotion done in their case was not proper one and as such they were reverted.

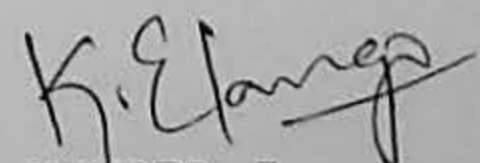
4. We have considered the pleas made by both the counsel. We find force in the plea made by the learned counsel for the applicants that both the applicants were selected after due procedure, after advertisement, calling the names, written test etc. and then they were posted as Junior Clerk-cum-Typist in the respective grades vide order dated 23.1.96





and 2.8.1996, but after lapse of nearly two years, suddenly the Asstt. Engineer Flash Butt Welding Plant, Northern Railway, Meerut Cantt, Meerut (respondent no.4) has cancelled the earlier selection without assigning any reason whatsoever. Therefore, it is clear that the order is arbitrary, unlawful and the same cannot be sustained in the eyes of law. We accordingly quash the impugned order dated 21.5.98 and allow the O.A. In other words, the applicants cannot be reverted from their existing ~~post~~<sup>we</sup> ~~place~~ unless authorities concerned have ~~an~~ evidence of un-satisfactory performance of the applicants for which due process of law is observed namely show cause notice, opportunity of hearing etc. as also passing of speaking order. The applicants shall continue as Junior Clerk-cum-Typist as if the impugned order was never passed. However, with regard to any monetary benefits, ~~that may be claimed~~ <sup>may</sup> ~~by~~ the applicants ~~by~~ <sup>e</sup> ~~filing~~ a representation to the respondents, who shall decide the same within a period of three months from the date of such representation. No costs.

  
MEMBER-A

  
MEMBER-J

GIRISH/-