

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1513 of 2001

Dated: This the 28th day of July, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J
HON'BLE MR. D.R. TIWARI, MEMBER - A

Ghanshyam Das aged about 44 years son of
Shri Anandi Lal resident of 149 Mahabeeranpura,
Nagra Jhansi.

...Applicant

By Advocate: Shri R K Nigam

Versus

1. Union of India through General Manager,
Central Railway, Mumbai CST.
2. Chief Workshop Manager, Central Railway
Workshop, Jhansi.
3. Khushi Ram, Son of Heeralal Driller,
T.No. 00930546, Machine Shop, Central
Railway Workshop, Jhansi.

....Respondents.

By Advocate : Shri P. Mathur

O R D E R

By Hon'ble Mrs. Meera Chhibber, JM

Applicant has challenged the order dated 08.09.2001, which was passed pursuant to the order given by this Tribunal in O.A.No.465/2001 on 25.5.2001(page 21 at 22). It is submitted by counsel for the applicant that in para 2 respondents have stated that it was not a case of mutual transfer between Khushiram and Ghanshyam Das whereas according to the transfer order dated 31.5.1997(page 16), it is specifically mentioned that the transfer of Ghanshyam Das and Khushiram are done as per their mutual consent. He has, thus, prayed that the impugned order may be quashed and set aside. Counsel for applicant further



submitted that the reversion order dated 12.4.2001 (page 18) has also bad in law as it was issued without giving any show cause notice to the applicant.

2. Counsel for the respondents on the other hand submitted that both these persons were initially working as Brick Layer but they were declared surplus after the coaching was completed. Thereafter applicant was posted as Driller Grade III in pay scale of Rs.3050-4590 while Shri Khushiram was posted as Brick Layer Grade III in the pay scale of Rs.3050-4590. Thereafter both these persons on their personal request were inter-transferred but their seniority was still maintained in their parent cadre that is of Brick Layer Grade III. In the seniority list of Brick Layer Grade III, Shri Khushiram was senior to the applicant as he was promoted on 30.11.1995 while applicant was promoted on 04.5.1996. However, while issuing promotion order as Brick Layer Grade II, applicant was wrongly promoted on 26.10.2000, therefore, it was corrected by order dated 12.4.2001. They have also annexed seniority list of Brick Layer Grade III dated 07.5.1998 wherein Shri Khushiram was shown at serial no.4 while applicant was shown at serial no.5 (Annexure C.A.-II). They have, thus, submitted that there is no illegality in order passed by the respondents, the O.A. may be dismissed accordingly.

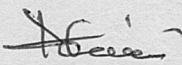
3. We have heard both the counsel and perused the pleadings as well. Annexure C.A.-II clearly shows that Shri Khushiram was senior to the applicant in Brick Layer Grade III, therefore, naturally Khushiram should have been promoted earlier than Shri Ghanshyam Das. Since Shri Ghanshyam Das was wrongly given promotion prior to Shri Khushiram, respondents issued a corrigendum on 12.4.2001 to



:: 3 :

rectify the mistake committed by them. Counsel for the applicant has not challenged the order dated 12.4.2001 in this petition. In the absence of any challenge to the order dated 12.4.2001, no relief can be given to the applicant to restore him in Grade II Brick Layer w.e.f. 12.4.2001. The O.A. is, therefore, found to be devoid of merit, the same is accordingly dismissed.

No order as to costs.


Member-A


Member-J

Brijesh/-