

OPEN COURT
CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Allahabad this the 11th day of August , 2009

PRESENT:

HON'BLE MR. A.K.GAUR, MEMBER-J

HON'BLE MRS.MANJULIKA GAUTAM, MEMBER-A

Original Application No.738/2004

Har Govind, S/o Shri Arjun Lal
 R/o 25/40, Issai Tola, Prem Nagar, Jhansi. ...Applicant.

(By Advocate : Sri R.K.Nigam)

Versus

1. Union of India through General Manager,
 North Central Railway, Allahabad.
2. Chief Workshop Manager,
 North Central Railway, Workshop, Jhansi.
3. Divisional Railway Manager,
 North Central Railway, Jhansi. ...Respondents.

(By Advocate : Mr. Anil Dwivedi)

ORDER

HON'BLE MR. A.K.GAUR, MEMBER-J

It is seen from the records that after successful completion of training the petitioner was appointed as Assistant Driver in pay scale of Rs. 950-1500 in group 'C' post vide order dated 28.4.1997 (Annexure A-II). While working as Assistant Driver the applicant expressed his inability to continue on the post of Assistant Driver and he expressed his desire to work as Helper Khalasi, on which post he had worked, just before his selection as Assistant Driver. The competent authority accepted the request of the applicant on prescribed terms and conditions. The applicant was accordingly allowed to go back to his original post of Helper Khalasi on his own request after accepting the bottom seniority under the provisions of Rule 312 of Indian Railway Establishment Manual. It is seen from the record that the applicant was permitted to appear in the trade test of Painter which is a

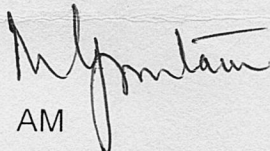
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Group 'C' post. But the mistake of giving wrong promotion to the applicant was subsequently detected, and immediately after coming to know of the same the applicant was reverted to his substantive post of Helper Khalasi. Mr. R.K. Nigam, learned counsel for the applicant would contend that the order of reversion has been passed in the utter violation of principles of natural justice and fair play. No notice or opportunity has been granted to the applicant in the matter.

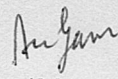
2. Having considered the arguments advanced by Mr. Nigam, learned counsel for applicant, we are fully satisfied that, no opportunity is required to be given in a case of erroneous and wrong promotion. As, the error was detected subsequently there was no option except to revert the applicant to his substantive post. As it was a case of erroneous promotion, the grant of an opportunity of hearing would have been an empty formality. In view of our aforesaid observation, we do not find any merit in the O.A.

3. Learned counsel for applicant submitted that the applicant may be permitted to prefer a representation to the competent authority for the redressal of his grievance. It is always open to the applicant to file any representation, if he so desired.

4. With the above observations the O.A. is dismissed.


AM

rv


JM