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RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A. No.1631 of 1986

(C.A. No.185 of 1985)

V.L.Sethi & Another ..... Defendants-Appellants

Versus

Chiddha Singh *e. m. d.*.... Plaintiff-Respondents.

Hon.S.Zaheer Hasan, V.C.

Hon. Ajay Johri, A.M.

(By Hon. S.Zaheer Hasan, V.C.)

Civil Appeal No. 185 of 1985 has been received on transfer to this Tribunal under Section 29 of the Administrative Tribunals Act XIII of 1985.

2. The plaintiff Chiddha Singh filed Suit No. 471 of 1983 against Divisional Engineer, Telegraph and Union of India. His case was that he was appointed as Junior Supervisor on 5.2.1982 and on 24.6.83 he was illegally reverted to his substantive post of Telephone Operator. He has challenged the order of reversion dated 24.6.83. The learned Munsif decreed the suit and the defendants went in appeal which has been transferred to this Tribunal.

3. It was contended before us that one officer senior to the plaintiff had refused promotion and later on he agreed to be promoted then the plaintiff was reverted to his substantive post. On the other hand it was contended that this version is not given

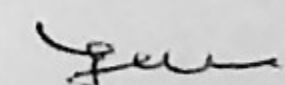


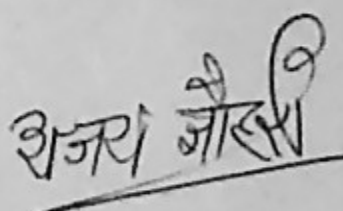
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in the reversion order and in any case the plaintiff could not be reverted because R.K.Trikha who subsequently agreed to be promoted could not be given promotion before the expiry of one year to be counted from the date of refusal. No other point was pressed before us.

4. Shri R.K.Trikha refused his promotion on 28.7.81. He made second refusal on 3.4.1982. On third occasion he refused promotion on 9.11.1982. According to the Govt. order dated 1.10.1981 R.K.Trikha could not be promoted before the expiry of one year counted from 9.11.1982 i.e. he could be promoted only in November, 1983. But the plaintiff was reverted on 24.6.83 i.e. before November, 1983. In this view of the matter the order of reversion is clearly bad in law. We find no good ground to interfere with the judgement of the learned Munsif. The appeal is dismissed with costs on parties.

  
Vice Chairman

  
Member (A)

Dated the 24 Oct., 1987

RKM