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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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Registration O.A. No. 1186 of 1987

D.S. Pandey Applicant.

Versus

Union of India
and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

That the applicant after obtaining a certificate in Welders course from Industrial Training Institute, Allahabad in the year 1972 appeared for a selection held in the year 1976. He was selected for the post of Khalasi Helper with the respondents and the applicant was empanelled for the aforesaid post. He was regularised by the order dated 30.9.1978 w.e.f. 23.12.1976 and was posted at Loco Shed Lucknow. He passed the trade test in the next higher grade i.e. Rs. 210-290 (revised grade Rs. 800-1150) and was given the aforesaid grade. On 12.12.1983, he was asked to appear in the trade test for the post skilled Worker under the designation of Fitter which is a post in the pay scale of Rs. 260-400 (revised Rs. 950-1500). The applicant appeared in the trade test and he was declared passed in the said list and his name was placed at Sl. No. 19 of the list of eligible candidates. The result of the trade test was declared on 10.12.1984.

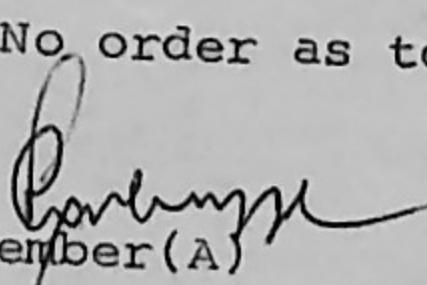
2. The respondents in their reply have ~~oooooooooooo~~ first time stated that this trade test was for adhoc

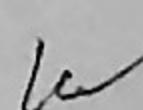
basis and the authority for taking trade test on adhoc basis has not been pointed out it. The applicant was promoted through the office notice dated 10.1.1985 against the post reserved for 25% talented quota with a ~~clear~~ clear stipulation that they are liable to be reverted any time without giving any notice. The applicant who worked for more than 2 years was suddenly reverted by the impugned order dated 14.10.1987. So according to the applicant in view of the confidential circular dated 9.7.1965, no such reversion order could be passed and ~~the~~ the same provides that the officiating Railway Servants who have already officiated for a period of 12 to 18 months as mentioned in Board's letter dated 21.5.1965, such reversion can not be made without the observance of the disciplinary procedure. But, in the case of the applicant who has worked 2 years 11 months, this reversion order has been passed. The respondents have justified the reversion order on the ground that the applicant and other persons have been reverted as the persons senior to them were ignored and were not called for selection and, further to fill up the shortfall in the SC/ST quota. This was done in pursuance of the complaint which was made by the two persons and thereafter it was found that they were also eligible for promotion and were senior to the applicant and other persons promoted on a temporary basis vide letter dated 10.1.1985. All these matters should have been seen by the departmental authorities before taking the examination and promoting them earlier. This only

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reflects the way in which the Railway authorities are working promoting a person today and demoting him on the next day and without considering the seniority and juniority of a person. For the negligence and lapses of the Railway Administration, an employee is not to suffer. Even otherwise, the reversion order was needed because of the mistake, an opportunity of hearing should have been given to the employee concerned and without giving him an opportunity of hearing he could not have been reverted, and in these circumstances, the reversion order becomes invalid. But the applicant has already been reverted and is working on the reverted post so the respondents are directed to re-consider the position of the applicant and even if, the seniors have been promoted and thereafter the vacancies ~~occur~~ have occurred for which the applicant has already ^{been} empanelled, the applicant should also be promoted on that vacancies. Let this consideration be done within a period of 3 months, from the date of communication of this order. No order as to costs.


Member (A)


Vice-Chairman

Dated: 2.9.1992.

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