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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

Registration O.A. No. 168 of 1987

Baijnath Applicant.

Versus

Union of India
and others Respondents.

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

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

The applicant was appointed by the General Manager (P) Northern Railway, New Delhi on the post of Chargeman FIC(B) Loco Shed, Northern Railway Saharanpur vide letter dated 24.4.1979. The applicant has filed this application against the action of the respondents in not promoting him though his promotion was due and instead of promoting him, his juniors were promoted. After his non-promotion, the applicant made various representations to the higher authorities but they did not pay any heed on his representations. Another seniority list was issued on 12.7.1985 in which the name of the applicant again did not find place. The applicant was finally promoted to the post of Chargeman Grade-A vide letter dated 6.9.1985. On 21.9.1985, a letter was sent to ~~the~~ the applicant with the direction to give a guarantee that there would be no engine failure reported under his supervision, however, no such condition was ever placed on the services of any other chargeman. Thereafter, the applicant

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made another representation dated 14.11.1985 that his promotion may be corrected and given effect from the due date i.e. 9.3.1981. Thereafter a notice was served upon the applicant on 27.1.1986 and vide letter dated 4.2.1986, the applicant was reverted to the post of Chargeman Grade-B. The applicant was reverted and his junior Sri R.B. Ram was promoted against the post of the applicant in the scale of Rs. 425-700.

2. The respondents in their return have stated that the applicant was promoted on an adhoc basis against an existing vacancy vide letter dated 6.9.1985 and he was reverted back to his substantive post as his work was not found satisfactory. The applicant was reverted within the period of one year probation and next senior person i.e. Sri R.B. Ram was promoted at his place. The respondents have stated that the order of reversion of the applicant has been passed due to some administrative reason but from the pleadings of the parties, it appears that the order of reversion has been passed for some ulterior motives and for accommodating his own man in place of the applicant. No warning or memo was issued to the applicant for his unsatisfactory work by the respondents and no point of time, he was asked to improve his work. Consequently, on this ground, the applicant could not have been reverted. After the punishment period is over, the applicant's case for promotion should have been considered against any available

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vacancy and in case the vacancy is available and as he has suffered for years together and he is eligible for promotion, he should be promoted regularly and not on adhoc basis..

3. Accordingly, the reversion order dated 4.2.1986 is quashed, however, it will be open for the respondents to consider the case of the applicant for regular promotion w.e.f. the date he became entitled to within a period of two months from the date of receipt of the certified copy of this order and in case the applicant is found eligible and the vacancy is available he will be given promotion with effect from that date though notionally and actually from the date he was actually@ promoted. The application is disposed of with the above directions. No order as to the costs.

Member (A)

Vice-Chairman

Dated: 8.4.1993

(n.u.).