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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

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(Registration T.A. No. 1436 of 1987 )

Ram Prasad & Others.....Applicants  
Versus  
General Manager, N.Rly & Others.....Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

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

The applicants entered the Railway Department in the year 1959 and 1974 respectively and were promoted to the post of Section Controller in the month of February 1966 and 1978 respectively. Having being fully qualified for the same they were eligible for promotion to the post of Dy. Chief Controller, were promoted as such w.e.f. 24.3.1981. It appears that some one who was entitled for the said promotion post did not accept, that is why the others were promoted. Since the date of promotion the petitioners started working as a Deputy Chief Controllers till the date of impugned reversion order dated 17th November, 1981.

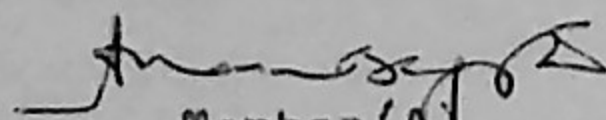
2. On behalf of the petitioners it was contended that this ~~punishment~~ <sup>reversion</sup> order which has been raised by one particular Officer, is by way of punishment without following the procedure prescribed under Article 311(2) of the Constitution of India. In the case of applicant No. 1 a written warning was issued to him on 7th October, 1981, which was followed by the reversion order dated 17th Nov. 1981. In the case of the other applicants the warning and the reversion order were simultaneous. It appears that one Divisional Operating Suptd (D.O.S.) passed a stereo typed reversion order in both the cases on 17th November, 1981.




3. It has been stated in the counter affidavit that ~~an~~ oral and written warnings were given. No reference of the oral warning finds place in the counter affidavit, apart from this written warning which was followed by the reversion order. The reversion order is thus not purely on the ground of unsatisfactory performance and rather the language indicates that it was by way of punishment and in as much as the applicants could not carry out their duties efficiently, and were rather inefficient and incongruous.

4. Thus the reversion order was by way of punishment without holding any enquiry in regard to Article 311(2) of the Constitution of India. The plea has also been raised that it was not by a competent authority. Apparently it appears, that the officer concerned in a mechanical way passed an order of reversion, reverting both the officers, meaning thereby that an order by way of punishment has been passed by one particular officer who appears to be a sub-ordinate authority, without even referring the matter to the <sup>competent</sup> ~~C.P.I.~~ Authority.

5. In view of what has been said above, the application deserves to be allowed and the reversion order dated 17th November, 1981 is quashed. No order as to costs.

  
Member (A)

  
Vice-Chairman.

11 September, 1991.

(sph)