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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

.....

Registration T.A. No. 1492 of 1987

(Arising out of Writ Petition No. 3549 of 80)

Shri Chokhey Lal ... Petitioner

versus

Union of India and others ... Respondents

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

Hon'ble Mr A.B. Gorthi, A.M.

(BY Hon'ble Justice U.C. Srivastava, V.C.)

This writ petition received on transfer from the High Court of Judicature at Allahabad, under section 29 of the Administrative Tribunals Act, 1985, was registered as T.A. No. 1492 of 1987 as indicated above.

2. Briefly, the facts are that the applicant a railway employee was selected to the post of I.O.W. Grade I and was promoted in the said grade as I.O.W. ^h (Special) vide letter dated 24-5-1978, but he could not be spared for the post of I.O.W. Grade I. On 23-4-1979 a third order of promotion promoting the petitioner to the post of I.O.W. Grade-I was passed, where he joined. The grievance of the petitioner is that he had been, after 9 months working, reverted vide order dated 5-4-1980. The case of the Railway Administration is that he being a member of Scheduled Caste community and there is Railway circular in this behalf that he be given extra benefit, and it was he, who was responsible for not joining earlier because he wanted particular Division, when a particular Division was offered to the petitioner, he joined. According to the petitioner, he was given due promotion and he could not have been reverted and the reversion order

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has been illegally passed, and that too under certain mis-apprehension of facts, in as much as the reversion order itself clearly states that as physically he did not hold the promoted post, he was reverted and it appears that authorities concerned did not take into consideration the 3rd promotion order ^{2 and the} ^{2 his} factum of joining on promotional post which he held for about 9 months. The learned counsel for the Railway Administration stated on the basis of instructions received and produced before us a copy of General Manager letter dated 9-10-80 stating therein that it is obvious that the applicant has already been promoted in the year, 1980. The applicant was promoted after he passed suitable test. The learned counsel for the applicant contests that the applicant has lost 5 months and in case earlier reversion order would not have been passed his seniority would not have been effected and an order promoting him after 5 months is obviously effecting his seniority. It is not known, whether in fact his seniority in any manner will be affected or not; as such, it is not necessary to decide this question at this stage, but the applicant will be free to make representation before departmental authorities in respect of the reversion order, which according to him was passed because of lack of correct information with the authority concerned. The Department concerned will decide the representation of the petitioner in his behalf expeditiously. With this observation the application stands disposed of finally. Consequently we are not quashing the reversion order, but the said reversion order will

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not be taken into consideration unless the representation referred to above is not disposed of by the authorities concerned in the light of the observation made in the judgment. In case a representation is preferred within a period of 3 weeks, the same may be disposed of within 3 months. Accordingly, the present application is disposed of, without any order as to costs.

Anand Singh

MEMBER (A)

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VICE CHAIRMAN

(sns)

March 14, 1991 .

Allahabad.