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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

O.A.No.623 of 1987.

Vijay Kumar SinghApplicant.

Versus

Union of India & othersRespondents.

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

Hon'ble Mr.K.Obayya,A.M.

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

The applicant was appointed as Casual Labourer under the Inspector of Works, Northern Railway, Mirzapur w.e.f. 10.8.75 and was promoted to the post of Care Taker, T.T.E. Room against a newly created post at Northern Railway Station Chunar by the Divisional Railway Manager w.e.f. 16.5.84. He was reverted to the post of Khalasi vide order dated 29.9.86. He has challenged the said order. According to the applicant, this order is punitive in nature and is arbitrary and is hit by Article 311 (2) of the Constitution of India.

2. The respondents have opposed this application and have stated that the post of Care Taker though having a scale of Rs.196-232/- is a regular Class IV post and a person is posted on the said post after due selection. Since the applicant was a Casual Labourer and not a regular Class IV employee, as such there was no question of promoting him on the post of Care Taker. However, in the exigency of work in order to look after the work of newly created post of care taker, the applicant was posted merely on temporary basis. On availability on a regular incumbent, the applicant was merely put back to his original position as Casual Khalasi and the order was passed by the competent authority and the same was only communicated by the Divisional Engineer.

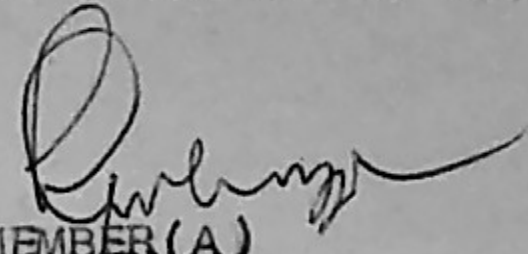
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2. From the facts, it is quite clear that it was not a reversion order but it was an order by which the applicant has been sent back to his original position on which he was working as stop-gap-arrangement. Accordingly, the application deserves to be dismissed and the application is dismissed. No order as to costs.



MEMBER(A)



VICE CHAIRMAN.

DATED: JULY 7, 1992

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