

(5) (11/1)

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

Registration O.A. No.1143 of 1987.

Shri. Roshan Lal Sahu & Others .. Applicants

Versus.

Union of India & Others. Respondents.

Hon'ble Ajai Johri, A.M.

Hon'ble G.S.Sharma, J.M.

1 This is an application under section 19 of the Administrative Tribunals Act 1985. The applicants in this ^{32 in number} petition are four. The facts which are not in dispute are that the applicants who were Class-IV employees and the private respondents were called for written and suitability for the post of Ticket Collectors in the year 1981. After they had worked for certain period as Ticket Collectors, in July 1982 the applicants received an order reverting them from the officiating post of Ticket Collector to their Class-IV posts. This order was issued on the ground that the applicants were not found suitable for the post of Ticket Collector. After the orders for reversion were issued by the respondents the applicants filed a Writ Petition in the High Court for declaration of the result of the supplementary examination in which they had also appeared. The Allahabad High Court had on that Writ Petition, issued directions to the respondents to declare the results. The petitioners name did not appear in the declared results. The petitioners then filed an application before this Tribunal, under section-19 of the A.T. Act praying that they be not reverted from the post of Ticket Collector. This application was dismissed by this Tribunal on 7.11.86. The applicants have now approached this Tribunal with a prayer that the respondents be directed to give them duty on the reverted post in the Class-IV category, because they have ^{34 been} ~~been~~ not given any orders for duty. By this

contd..2,

application the applicants are seeking reliefs that they may be allowed to join on the reverted post on the basis of the application which they submitted on 15.7.86, that an appeal which is pending before the Divisional Railway Manager, since 28.1.83 may be disposed of and that they may be paid salary since 28.7.1982.

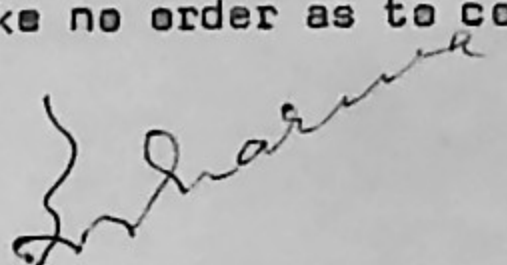
2. We have heard Shri.S.P.Singh for the applicant and Shri.A.K.Gaur for the respondents. Shri.S.P.Singh's contention was that suitable direction be issued to the respondents to give duty to the applicants in the Class-IV category as they have not yet been given the same inspite of their application made in July 1986. This was apposed by Shri.A.K.Gaur on the ground that the applicants never reported for duty and neither any application as alleged was received by the applicants. We have also noted that though the applicants have been away from their duty since July '82, no action has been taken by the respondents against them for this un-authorised absence so far. Having considered the facts of the case and in the interest of Justice we feel that since the applicants still continue to be in employ of the respondents, incase applicants personally present themselves before the respondents alongwith applications ^{requesting} ~~seeking~~ for being allowed back to ^{resume} ~~resume~~ duty on the reverted post, they should be allowed to join the posts.

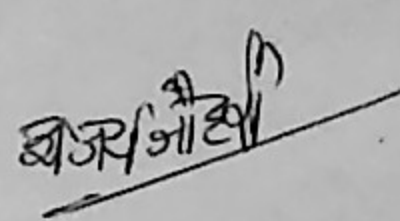
3. We therefore direct that incase the applicants report-back to the respondents with such application seeking orders for being given duty, they should be allowed to join duty with effect from the date of such application, ^{and} which must be presented by the applicants within one month of the issue of the orders.

4. In regard to the relief for disposal of their appeal which is lying with the respondents since 28.1.83, we do not want to give any direction as no such direction is required.

5. As far as the relief for payment of salary since July, '82 is concerned, we decline the request. The applicants have on their-own not reported back to duty on the reverted post. They have also not worked during this period. The respondents may decide this period according to rules.

The application is disposed of in accordance with the above orders. We make no order as to costs.


Member(J)


Member (A)

Dated: 14th February, 1989.
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