

(A4)

Court No. 2

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No. 144 of 1988

A.R. Tripathi Applicant

Versus

General Manager, Northern Railway,
New Delhi and 2 Others..... Respondents

Hon. Mr. D.K. Agrawal, J.M.

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

(By Hon. Mr. D.K. Agrawal, J.M.)

This application under Section 19 of the Administrative Tribunals Act, 1985 has been filed by the abovenamed applicant, aggrieved by an order dated 15.4.88 as contained in Annexure-11 to the Writ Petition whereby the applicant had been reverted from the post of Head Ticket Collector (Selection Grade) to the post of Senior TTE.

2. Briefly, the facts are that the applicant was promoted as Adhoc Head Ticket Collector as early as on 21.1.82 and in pursuance of circular of the Northern Railway Headquarters dated 24.7.85, the applicant was confirmed as Head Ticket Collector with effect from 1.1.84 vide order dated 19.10.87 as contained in Annexure-2 to the petition. Thereafter, a test was organized for selection of Head Ticket Collector to be placed in the Selection Grade. The applicant was allowed to appear in that written test. He successfully completed it. He was then called for interview which also was successfully completed by him. Thereafter a posting order dated 4.12.87 as contained in Annexure-5 was issued. In

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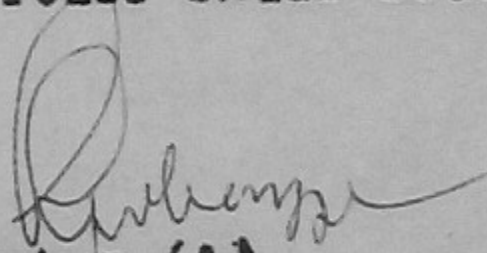
pursuance thereof the applicant was posted as Head Ticket Collector in Selection Grade at Kanpur. Some complaint was then made as regards the selection of the applicant. As a result of the said complaint, the contents thereof are not known to us, the impugned order dated 15.4.86 was passed whereby the applicant was reverted to two grades below i.e. from the post of Head Ticket Collector Selection Grade, he was reverted to the post of Senior Ticket Collector/TTE. The respondents' plea is that one D.K. Singh had made a complaint to the effect that one cannot be promoted to the post of Head Ticket Collector without undergoing 21 days minimum period as Ticket Train Examiner and that the applicant had not worked for a minimum period of 21 days as Ticket Train Examiner.

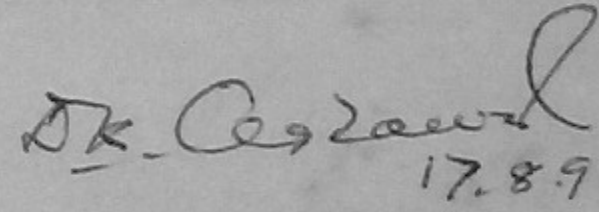
3. We have heard the learned counsel for the parties. We may mention at the out set that ^{by} the order dated 4.12.87 wherein the applicant was posted as many as 51 other persons were also posted. None of them has been reverted, Presumably, on the ground that all of them ^{were} qualified except the applicant. We have, however, no material before us to believe it that all of them except the applicant were qualified. Even if it be correct that all of them were qualified, the question is as to whether it is an error on the part of the Administration which can be corrected in the manner as it has sought to be done. The applicant was made to work as Head Ticket Collector right from 21.1.82 to

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15.4.88. It was then that the wisdom ^{drawn} ~~done~~ on the Administration that the applicant ⁿ ~~was~~ was not entitled to hold the post of Head Ticket Collector without having worked as Train Ticket Examiner for a minimum period of 21 days. We are of the opinion that if this be the sole ground which prevailed with the Railway Administration to revert the applicant, the same must be held to be a trivial or flimsy ground. Once a person who had worked on higher post for such a long period, the training for a minimum period of 21 days on the post of TTE has no significance. There is also no material to show i.e. performance on the higher post was not satisfactory. If it be so, we are of the opinion that it is a case of a peculiar nature where we can direct the respondents not to revert the applicant without making this case as a precedent for others.

4. In the result, the application is hereby allowed. The impugned order dated 15.4.88, contained in Annexure.11 is quashed. The applicant shall continue to hold the post of Head Ticket Collector Selection Grade in pursuance of the order dated 4.12.87, contained in Annexure-5. Parties shall bear their own costs.


Member (A)


Member (J)

17.8.90

Dated the 17th August, 1990.

RKM