

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

O. A. No. 514/88

Guru Prasad

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Applicant

Vs.

Union of India & Others

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Respondents

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

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

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

By means of this application the applicant has prayed that the reversion order dated 27-8-88 be quashed and the benefit arising out of the same including seniority and promotion may be given to him.

2. The applicant started his service as a gangman in the Railway in the year 1955 and ultimately he was promoted to officiate as permanent way Mistry in the scale of Rs. 1400-2300. When the applicant was working as P.W.M. he was sent to the Zonal Training School to attend P-25 course, but in that course he failed, as a result of which the reversion order was passed and the applicant was directed to work as mate. But soon thereafter, the applicant was again sent to Zonal Training School at Chandausi on 29-8-86, without implementing the reversion order and he was declared to have passed in the second chance on 22-12-86 and thereafter he was posted as P.W.M.

3. The grievance of the applicant is that during the period between 15-7-86 to 21-12-86 (during the period in which he was not promoted), he was deprived of salary and that is why he gave notice under section 80 of the Civil Procedure Code and filed his claim before the



authority under the payment of wages Act which case is said to be pending. The other grievance of the applicant is that as he has passed the said examination, he should have been promoted with effect from the date on which the others were promoted <sup>and</sup> even though he failed, he should have been granted exemption as he is a member of the S.C. community since there is a rule that if once the member of the said community is promoted, he cannot be reverted. But no such rule has been brought to our notice. The applicant, having failed in the said examination, it appears that the benefit of the exemption has been given to him inasmuch as on the very next day he was sent for training, the reversion order was not implemented and after his passing the said examination he was promoted. As such the applicant has not suffered anything. So far as the salary for the said period is concerned, i.e. during the period in which he was under training, which he was claiming, and was not given to him because of the reversion order, the case is pending before the authorities under the payment of wages Act and no order in this behalf has been passed.

4. As the applicant was promoted, the reversion order itself has vanished and as such no relief can be granted to the applicant. With the above observation regarding the pendency of the case under the payment of wages Act, the application is dismissed. No order as to the costs.

Member (A)

Vice-Chairman

Dated: 4th September, 1992, Allahabad.

(tgk)