

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHABAD BENCH) ALLAHABAD.

Case No.
Page No.

885

OF 1990

Date of decision: 19-1-93

..... Krishna Sharma Petitioner

Shri B. S. Varma Advocate for the petitioner.

Versus

..... Union of India & ors Respondents.

Shri N. K. Goel Advocates for the Respondent(s)

CORAM :-

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

The Hon'ble Mr. B. obayya, A.M.

1. Whether Reporters of local papers may be allowed to see the judgment? ✓
2. To be referred to the Reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the judgment? ✓
4. Whether to be circulated to all other Benches? ✓

NAQVI/

Signature

(10) (1)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALIAHABAD BENCH,
ALIAHABAD.

O.A. No. 885 of 1990

Krishna Sharma Applicant.

Versus

Union of India & others Respondents.

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.)

From the facts of the parties, it appears that the applicant was appointed as casual artisan w.e.f. 8.4.67 in the skilled grade. He was given time scale of pay in the same grade (temporary status) w.e.f. 16.7.79 and upto 27.5.81 he worked in the time scale with temporary status. In the year 1980-81, post of Khalasi in unskilled grade 196-232 occurred. A screening test took place and the applicant, who was artisan in the same scale which is higher in grade than Khalasi, in order to get his service regularised, offered himself to appear in the screening test. The Administration also accepted the same and he was screened and thereafter he was absorbed as casual labourer in Khalasi grade. Vide notification dated 19.12.85, applications to fill up 25% quota on the skilled grade 260-400 were invited and it was provided in the notice that only skilled casual labourers, who fulfill the conditions namely; (a) who have completed five years' service as casual labourer in skilled grade ; (b) who are not above 25 years of age after giving requisite relaxation and (d) who possess minimum qualification prescribed under Apprentice Act i.e. VIII Class Pass, may apply for being appointed in pursuance of the aforesaid notification. The applicant also applied for the same and it appears that although he was more than 25 years of age, requisite relaxation

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was given to him and according to the respondents, as he mentioned in the format that he studied upto IX Class, he was selected but later on when this fact came to the notice of the respondents that earlier in the Form he had mentioned that he has not passed VIII Class, that is why his reversion order was passed he being not qualified with the same.

2. Learned counsel for the applicant contended that the said order has been passed by the authority who was not competent to do so. So far as the power is concerned, the respondents have pointed out that the powers were delegated to the General Manager and the Zonal Manager giving reference of notification in this behalf. It was then contended by the learned counsel that he having been promoted in 1986, after four years he cannot be reverted. If it was a mistake on the part of the respondents, the order of reversion in these circumstances was penal in nature and no such order could have been passed without giving opportunity of hearing to the applicant. Learned counsel for the respondents contended that of course the applicant's appointment suffers from various defects. So far as his initial appointment as Khalasi is concerned, the said appointment cannot be challenged by the respondents as they themselves accepted him as Khalasi and he was given an appointment. So far as the age relaxation is concerned, admittedly, relaxation in age was granted. But so far as the educational qualification is concerned, it appears that the respondents did it verify ~~that~~ whether he has passed VIII Class or not and they gave him appointment because he had come out successful in the trade test and thus he has been reverted only on the ground

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that he has not passed IX Class and in the Form it has wrongly been mentioned. In case, he has passed VIII Class which he can even now prove before the railway authority and they themselves can recall the reversion order and reinstate him on the post. In case he has not passed VIII Class, no useful purpose will be served in observing formality of giving him a show cause notice and thereafter terminating -g- his appointment. In case, the applicant has passed VIII Class, he will submit his certificate before the authority within one month from the date of communication of this order and in case they become ^{-ied} satisfied that in fact he is VIII Class passed from a particular school, they will recall the reversion order otherwise the reversion order will hold good. With these observations, the application stands disposed of. No order as to costs.

MEMBER (A)

VICE CHAIRMAN.

DATED : JANUARY 19, 1993.
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