

Court No.2

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration Rev.Appln.No.465/11/90

In
Registration C.A. No. 185 of 1986

Chandrika Prasad and 3 Others Applicants

Versus

Union of India & Others Respondents

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

Hon.Mr. K.Obayya, Member(A)

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

This Review Application is directed against judgement and order dated 13.2.90 passed in O.A. No.1 of 1986 Chandrika Prasad Vs. Union of India & Others. Review Application has been filed by one Shri R.C.Sr who states that he is aggrieved with the judgement order in the above claim petition inasmuch as he has been promoted to the post of Stationary Pump Attendant grade-I has been directed to be reverted to the substantive post of Electrical Fitter under the garb of the above judgement. The learned counsel for the applicant has stated that there are 20 such other persons who are aggrieved on account of the order of reversion passed by the Railway Administration as a consequence to the above judgement.

2. The facts in brief are that the Electric Department of the Railway Administration had six different trades, namely Fitter, Lineman, Wireman, Metre Reader, Cable Jointer and Stationary Pump Attendant. At one stage options were invited from candidates of one trade to join another trade and on the basis of options intense promotions were also made. It appears that the Railway Board, later on

DK Agrawal

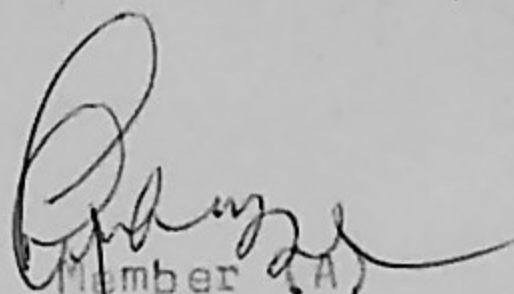
devised a policy whereby new channels of promotion were thrown upon in different trades to avoid clubbing of the candidates of one trade with another trade.

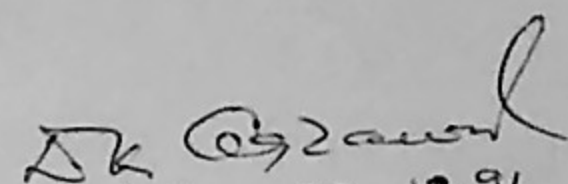
3. One Chandrika Prasad working as Stationary Pump Attendant grade II filed the above said O.A. No. 182 of 1986 challenging the clubbing of different trades and to direct the Railway Administration to follow the policy of new channel of promotion as laid down in the letter dated 13.10.82 and reiterated by the General Manager in his circular dated 7.6.89. By the time the said Original Application came to be decided or even thereafter, options continued to be invited and candidates from one trade were promoted to another trade. However, by the judgement all those promotions were properly undone by the Railway Administration. Consequently, orders of reversion were passed in respect of candidates who had opted for other trade. The option promoted in a trade other than the trade in which they were originally recruited or appointed. This gave rise to heart burning. Shri R.C. Srivastava and 20 other persons are aggrieved as stated by the learned counsel for the applicant. The question is as to whether by the judgement and order dated 13.2.90, this Tribunal intended to undo the promotions already made or it intended to lay down that policy of new channel of promotion was to be followed prospectively. The controversy cannot be set at rest unless all the affected parties are heard at length and the Railway Administration is also given a chance to take a definite stand about the promotions of the candidates in different trades or clubbing persons of different trades together. We are therefore of the

Dr. C. S. S. S.

opinion that in the interest of justice the judgement and order dated 13.2.90 passed in O.A. No.185 of 1986 be set aside, the aggrieved parties may be given a chance to apply for impleadment and the case disposed on merits after hearing all the affected parties.

4. In the result, therefore, we hereby set aside the judgement and order dated 13.2.90 and direct it to be registered at its Original Number and list it for orders on 18.11.1991.


Member (A)


22.10.91.
Member (J)

Dated the 22nd October, 1991

RKM