

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 21st day of May, 2001.

Original Application No. 1523 of 1994.

CORAM :-

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. SKI Naqvi, J.M.

Raja Ram Son of Shri Sarjoo working  
as Grinder/Welder Gr. II in grade Rs. 1200-1300/+  
(RPS) under Permanent Way Inspector,  
Northern Railway, Mirzapur.

(Sri Anand Kumar, Advocate)

. . . . . Applicant

Versus

1. Union of India through The General Manager,  
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager,  
Northern Railway, Allahabad.
3. The Divisional Superintending Engineer (I),  
Northern Railway, D.R.M. Office, Allahabad.
4. The Assistant Engineer,  
Northern Railway, Mirzapur.

(Sri AV Srivastava, Advocate)

. . . . . Respondents

O R D E R (O\_r\_a\_l)

By Hon'ble Mr. S. Dayal, A.M.

This application under Section 19 of the  
Administrative Tribunals Act, 1985, has been filed for  
setting aside the reversion order dated 27-7-1994 issued  
by Assistant Engineer, Northern Railway, Mirzapur alongwith  
all consequential benefits.

2. The case of the applicant is that he was engaged  
as casual Gangman on 06-3-1981 and empanelled as Gangman  
in 1985. He was selected for the post of Grinder Gde III



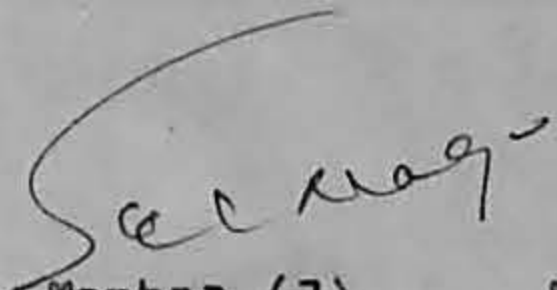
in the grade of Rs.950-1500 in 1986. He was trade tested for the post of Welder/Grinder grade II which arose on account of restructuring w.e.f. 01-3-1993 and was promoted to the post after successful passing of the prescribed test. The promotion was given to him by order dated 11-11-1993. The effect of the promotion was given from 01-3-1993. By the order dated 26-7-1994 of respondent no.4, he was reverted from Welder Grade III in the grade of Rs.950-1500 to the post of Grinder in the grade of Rs.950-1500. The reason being given was that his name, which was included in the seniority of Welder Grade III in the scale of Rs.950-1500 has been separated from the seniority list of Welder and the trade test has not been approved by the competent authority.


3. We have heard Sri C.P. Gupta, briefholder of Sri Anand Kumar, counsel for the applicant and Sri AV Srivastava, counsel for the respondents.

4. The respondents have admitted that the applicant was posted in the grade of Rs.1200-1800 w.e.f. 01-3-1993 and arrears of payment on this account has also been made to him. We find that the impugned order shows that the applicant stood reverted from the post of Welder Grade III in the scale of Rs.950-1500 to the post of Grinder in the same scale. We find that the applicant has been promoted to the post of Welder Grade II by the order dated 11-11-93 jointly <sup>Signed</sup> ~~made~~ by the Divisional Personnel Officer and Divisional Superintending Engineer (Constructions), Allahabad. The respondents have stated in the impugned order that trade test held for the promotion of the applicant was not approved by the competent officer but the respondents have not stated in their counter reply as to who was the competent authority in this case.

*[Handwritten signature]*

5. We find that no notice was given to the applicant before his order of reversion had been passed. Since the applicant has been visited with evil consequences without being given opportunity to show cause why the same should not be done in accordance with the principles of natural justice, we find that the order as passed cannot be upheld. The impugned order dated 26-7-1994 is, therefore, set aside. The respondents are not precluded from passing the order in accordance with law. The DA is disposed of as abovewith no order as to costs.

  
Member (J)

  
Member (A)

Dube/