

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 18TH DAY OF JULY, 2001

Original Application No.1699 of 1994

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

Som dev,a/a 33 years, son of
Shri Niwasi Ram,R/o ADA EWS 156
Rajpooor, Allahabad.

.... Applicant

(By Adv: shri A.K.Sinha)

Versus

1. Union of India through the
General Manager, Northern
Railway, Baroda House,
New Delhi,
2. Dy.chief Engineer, concrete
Sleeper Plant, Subedarganj, Allahabad.
3. Sr.Engineer, Concrete Sleeper Plant
Subedarganj, Allahabad.

....Respondents

(By Adv: Shri Lalji Sinha)

O R D E R(Oral)

HON.MR.S.DAYAL, MEMBER(A)

This application has been filed for setting aside the order of reversion dated 31.8.1994 and appellate order dated 26.10.1994. A direction is also sought to the respondents to take trade test of the applicant for Operator Gr.I Rs.1320-2040 and if found suitable promote the applicant to the said grade from the same date of promotion of his juniors which was 28.10.1993 and also to allow interest on arrears at penal rate

The applicant has claimed that he was appointed as Casual labour on daily wages and thereafter transferred to Concrete Sleeper Plant Subedarganj, Allahabad in CSP pay scale of Rs.196-232. The

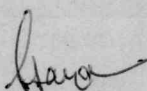
applicant appeared for screening and passed the same and his name was placed at sl.no.140¹¹⁴ of the panel which was subsequently changed to 112. The applicant was not asked to give option when trade test for the skilled Operator Gr.III in the grade Rs950-1500 was held. His junior Sri Subrat Parul was promoted. Another trade test for the post of Skilled Operator Gr.II was held in which applicant was not called. The respondents declared results in which 42 persons were declared successful and the name of Subrat Parul has been placed at Sl.No.38. The applicant claimed that he was unaware of the two trade tests as he was working as Khalasi under IOW/CST Subedarganj Allahabad and therefore he could not represent then and there. The applicant was subsequently called for trade test vide letter dated 30.4.1990 and selected. The applicant made representation for being ignored in the earlier two trade tests in 1986. The respondents by order dated 9.6.1993 corrected the mistake and after promotion of the applicant in Gr.II fixed his salary at par with Subrat Parul and Umesh Chanmdra Srivastava and revised his seniority to 36-A in place of sl.no.78. The respondents held trade test of skilled Operator Gr.I by their letter dated 26.11.1993 in which Subrat Parul and U.C.Srivastava were called but the applicant was not called. The applicant made a representation. The promotion order of his juniors were issued and one post were kept vacant for him. The respondents instead of considering the applicant for promotion to Gr.I passed an order dated 31.8.1994 without issuing any show cause notice for giving opportunity to the applicant and reverted the applicant to the post of Operator Gr.II. The applicant was relegated to the

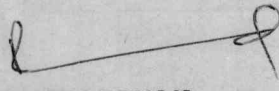
lower seniority position of sl.no.78 instead of sl.no.36-A. The applicant preferred an appeal which was rejected by respondents no.2. The applicant filed a representation dated 20.9.1994(Annexure A14) in which he has brought these facts to the notice of Dy.Chief Engineer, Concrete Sleeper Plant,Subedarganj(Respondent No.2).

We have heard Shri A.K.Sinha counsel for the applicant and Shri Lalji Sinha counsel for the respondents.

Learned counsel for the applicant prayed that the representation of the applicant should be decided ^{and, I} in case of its acceptance, the applicant should be given all consequential benefits. The learned counsel for the respondents does not oppose this prayer of learned counsel for the applicant.

We, therefore, direct the respondent no.2 to decide the representation of the applicant by a reasoned and speaking order within a period of three months from the date a copy of this order alongwith the copy of said representation is made available to the respondents. There shall be no order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 18.7.2001

Uv/