

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD

Allahabad this the 6th day of December, 2000.

Hon'ble Mr. V.K. Majotra, Member (A)
Hon'ble Mr. Rafiq Uddin, Member (J)

Original Application No. 1759 of 1994.

Ram Swaroop Balmiki, S/o Munna Lal a/a 35
years R/o Baregoon gate Bahar, Narain Bagh
Tiraha, Jhansi, Working as Section
Controller Gr. 1400- 2600 (RPS) under
Divisional Railway Manager, Central
Railway, Jhansi.

-Applicant

(By Advocate S/Shri H.P.Pandy & A.D.Prakash)

V E R S U S

1. Union of India through the General Manager Central Railway, G.M's Office, Bombay V.T.
2. Divisional Railway Manager, Central Railway D.R.M's Office, Jhansi.
3. Senior Divisional Operating Manager, Central Railway, D.R.M's Office, Jhansi.-Respondents

(By Advocate -Shri Prashant Mathur)

O R D E R (Oral)

By Mr.V.K.Majotra, Member (Admnv)-

The applicant has challenged the order dt.19.08.94 whereby he has been reverted from the post of Section Controller to the lower post of Head Train Clerk. The applicant, a SC was appointed as a Train Clerk in the scale of Rs. 950-1500/-. He received his due promotion and ultimately was selected on 04.06.93 (Annexe A-3) for promotion to the post of Section Controller in the scale of Rs. 1400-2600(RPS). Consequently he was appointed as Section Controller on 08.06.93 (Annexe A-4). It is alleged that as he belongs to SC community he was discriminated and subjected to minor punishments, adverse ACR etc. and ultimately vide Annexe. A-6 dt. 21.02.94 he was informed that he had failed to carry out the instructions satisfactorily and was being

considered for transfer in A.G.C. control. He was asked to furnish his explanation on the same. Vide Annex A-8 he was told that he had not been able to generate interest in his work and was not found fit to be a Section Controller. Displeasure was expressed against him. He was further told if his performance did not improve, action would be taken against him. Ultimately vide order dt. 19.08.94 (Annexe. A-1) he was reverted.

2. It is alleged that neither any reason has been assigned in reverting the applicant nor was he afforded any opportunity in his defence.

3. It has been averred that the post of Section Controller is a safety post. Under safety rules it is important that a person being posted to the safety cadre must be imparted initial training. According to the applicant he had no experience in safety cadre but was made to function as Section Controller without having been imparted necessary initial training.

4. The applicant has sought direction to the respondents to provide him requisite training of Section Controller's post as per substantive posting. He has also sought for quashing the impugned order of reversion dt. 19.08.94.

5. In their counter the respondents have stated that the applicant was already working as Head Train Clerk in the Jhansi control office before his selection and promotion as Section Controller and as such he had already acquired sufficient knowledge of Railway Rules and working. The applicant was given adequate training and practical working of Section Controller and after being imparted practical training the applicant who was willing to work independently

started his work as Section Controller from 28.07.93. According to the respondents, applicant's work was found to be unsatisfactory as Section Controller and as such the competent authority had recorded his displeasure on his unsatisfactory performance as the applicant had already been given verbal warnings several times. As the post of Section Controller is a safety cadre post and as such the applicant was advised that if he did not improve, he would be transferred. According to the respondents, the cumulative effect of superiors' displeasure converted into reversion of the applicant to his substantive post. The respondents have stated that the applicant had been given basic practical training to work as Section Controller. The respondents have also stated that the applicant had not represented for being sent on training.

6. We have heard learned counsel for the parties and perused the material available on record and that furnished during the course of hearings.

7. The learned counsel of the applicant has referred to D.R.M.'s Office, Jhansi letter dt. 09.07.97 which makes it clear that as per rules departmental candidates selected as SCOR must attend initial training at Z.T.C., BCL before being utilised as SCOR. Vide the same letter the names of 11 persons were pointed out who had not undergone initial training and had been posted as SCOR. Obviously the respondents have posted the empanelled persons as SCOR in violation of safety rules which required initial training before their posting as SCOR. The contention of the respondents that the applicant had received adequate practical training as he has been working as Head Train Clerk can not be accepted. Posting as Head

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Train Clerk can not be equated with initial safety training imparted for making the empanelled person eligible to the post of SCOR. It is the obligation of the respondents which they have to discharge themselves.

8. Learned counsel of the applicant has further drawn our attention to Annex. A-9 which is communication of adverse remarks recorded by R.O. in applicant's A.C.R. for the year ending 31.03.94 in which it was recorded "No knowledge of rules not gone for SCOR course". The D.R.M. (Operative Branch) Jhansi as reporting officer had recorded that the applicant had no knowledge of rules and had not gone for SCOR course. We are told that the initial training before posting as SCOR is for period of 18 months.

9. Having regards to the above reasons and discussions made above, the O.A is allowed and impugned order dt. 19.08.94 reverting the applicant from the post of Section Controller is quashed and set-aside with consequential benefits. The respondents are further directed to depute the applicant for initial training for SCORs post at the earliest. There will be no order as to costs.

Rafiq Uddin

(Rafiq Uddin)
Member (J)

V.K.Majotra

(V.K.Majotra)
Member (Admnv)

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