

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 07th day of December, 2001.

Q U O R U M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. C.S. Chadha, Member- A.

Orginal Application No. 754 of 1994.

Har Bilash alias Hari Bilash S/o Sri Nawab Singh working as Keyman under P.W.I, Northern Railway, Shikohabad (Etawah). R/o Vill- Nagla Moti, P.O. Neeb Karori, Distt. Farrukhabad.

.....Applicant

Counsel for the applicant :- Sri Anand Kumar

V E R S U S

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, N. Rly. Allahabad.
3. Assistant Sngineer, Northern Railway, Etawah.
4. Permanent Way Inspector, Northern Railway, Shikohabad.

.....Respondents

Counsel for the respondents :- Sri Prashant Mathur

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

The grievance of the applicant stated in this O.A under section 19 of the Administrative Tribunals Act, 1985 that he has been reverted from the post of Keyman to the post of Gangman without giving opportunity of hearing by the impugned order dated 30.04.1994/ 03.05.1994 (annexure A- 1). It is submitted that the applicant joined as Gangman in the year 1973. He was working the P.W.I, Northern Railway, Phaphund. From there, applicant was transferred under P.W.I (PQRS), Northern Railway, Etawah in 1982. The applicant then

appeared in the trade test for the promotion to the post of Keyman and he was empanelled vide Assistant Engineer's letter No. E/4 dt. 26.11.1988 and since then, the applicant is working as Permanent Keyman. There was no complaint against the work and conduct, ~~and~~ the respondents, however, by the impugned order ^{have} without giving any opportunity of hearing, ~~they~~ suddenly reverted the applicant from the post of Keyman to the post of Gangman.

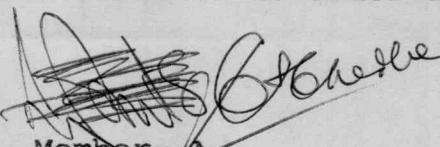
2. Sri P. Mathur, learned counsel for the respondents on the other hand has submitted that the applicant was selected as Gangman for the project of Plaser Quick Relieving System (P.Q.R.S) and by the impugned order, he has been reverted to his parent cadre and there is no question of any reversion. However, learned counsel for the applicant has not disputed that the applicant was trade tested for the post of ~~Keyman~~ and only after regular selection, he was posted as Keyman in 1988. The impugned order has been passed on 30.04.1994 i.e. after more than six years. After considering the facts and circumstances of the case, in our opinion, as the applicant had already served for a long time on promotional post, he could not be reverted without giving any opportunity of hearing. Even, if the respondents have very sound and genuine reasons to revert the applicant, the applicant ought to have ^{been given} been shown cause notice so that he may place his view/ defence before the respondents. As the impugned order, has been passed in violation of principles of natural justice, in our opinion, can not be sustained and is liable to be quashed.

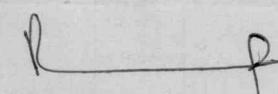
3. For the reasons stated above, the impugned order

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dated 30.04.1994/03.05.1994 is quashed. Applicant shall be reinstated on the post of Keyman within a period of one month from the date copy of this order is filed.

4. There will be no order as to costs.


Member-A.


Vice-Chairman.

/Anand/