

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD

Dated: Allahabad, the 3rd day of August, 2001

Coram: Hon'ble Mr. S. Dayal, AM

Hon'ble Mr. Rafiq Uddin, JM

ORIGINAL APPLICATION NO. 1194 OF 1994

1. Udai Narain,
son of Shri Ram Khilawan,
Truck Driver, aged about 52 years,
Village: Chehara, Post: Basta,
District: Mirzapur.
2. Nisar Ahmad,
son of Shri Siraj Ahmad,
Truck Driver, aged about 44 years,
Village: Bari Bashi, Post: Rajapur,
District: Mirzapur.

. Applicants

(By Advocate: Sri S.S. Sharma)

Versus

1. The Union of India representing
Northern Railway Notice to be served upon
the Divisional Railway Manager,
Northern Railway, D.R.M. Office,
Nawab Yusuf Road, Allahabad.
2. The Divisional Superintending Engineer
(Co-ordination), Northern Railway,
D.R.M. Office, Allahabad.
3. The Divisional Engineer/Track,
Northern Railway, Allahabad.
4. The Assistant Engineer,
Northern Railway, Chunar.

. Respondents

(By Advocate: Sri A.K. Gaur)

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ORDER

(By Hon'ble Mr. S. Dayal, AM)

This application has been filed for seeking reliefs:-

- (i) to set aside the order of reversion of the of the applicant from the post of Driver Gr.II in the grade of Rs.1200- 1800/- (RPS) to the post of Driver Gr.III in the grade of Rs.950- 1500/- (RPS) dated 21.7.94;
- (ii) to direct the respondents to promote the applicant No.1 in Driver Gr.I in the grade of Rs.1320- 2040/- (RPS) and applicant No.2 in the grade of Rs.1200- 1800 (RPS) as Driver Gr.II w.e.f. 1.4.83;
- (iii) to direct the respondents not to reduce the pay of the applicants from Rs.1500/- to Rs.1400/- per month and not to make any recovery.

2. The case of the applicants in brief, is that they were promoted to the post of Driver Grade-II after trade test and medical examinations. It is claimed that the applicant No.1 has been working on the post of Driver Grade-II w.e.f. 15.7.90 and the applicant No.2 is working on the post of Driver Grade-II in the said scale from 6.1.91. They were reverted by order dated 21.7.94.

3. We have heard the arguments of Sri S.S. Sharma for the applicants and Sri A.K. Gaur for the Respondents.

4. The learned counsel for the applicants has stated that there were as many as 41 posts, of which 12 were
in Grade - I

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in the Highly Skilled Grade-I post, 15 were in Grade-II and 14 were in Grade-III post, as existing on 1.4.83. The applicants were shown at Sl.No.3 and Sl.No.20 in the provisional seniority list issued on 15.10.91. They have been promoted after trade test and medical examination and, therefore, as per re-structured cadre, the applicant No.1 was entitled to be placed as Driver Grade-I and the applicant No.2 is entitled to be placed as Driver Grade-II.

5. The respondents have denied that the applicants were regularly promoted after trade test and medical examination. They have mentioned that the applicants had been promoted on work charge post under E.L.A., which is given from year to year. However, the averments of the respondents are contrary in para-9, 11, 12 and 13 of the counter reply.

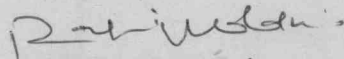
6. We find that the reversion of the applicants cannot be set aside, because the applicants basically in the seniority list of 15.10.91 are shown in the pay-scale of Rs.950- 1500/- and were working under E.L.A. sanction, which was not continued.

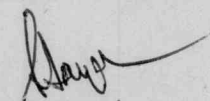
7. Having said that, the claim of the applicants for promotion in the re-structured cadre based on their seniority should be considered and if they have cleared the trade test and the medical examinations and ~~were taken~~ ^{on the basis of} their seniority were entitled for promotion on the re-structured cadre, they

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should be given promotion with effect from the date due. With this direction, the O.A. is disposed. In case applicants are found entitled to promotion, they shall be given all benefits, except back wages for the period they have not worked on the higher post.

There shall be no order as to costs.


(RAFIQ UDDIN)
MEMBER(J)


(S. DAYAL)
MEMBER(A)

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