

(Open Court)

(21)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 13th day of February, 2002.

Q U O R U M :- Hon'ble Mr. C.S. Chadha, Member- A.  
Hon'ble Mr. A.K. Bhatnagar, Member- J.

Orginal Application No. 28 of 1995.

Badri S/o Sri Kalesar, at present posted as  
Trolleyman under the Chief Inspector of Works,  
Northern Railway, Prayag.

.....Applicant

Counsel for the applicant :- Sri S. Dwivedi  
Sri A. Dwivedi

V E R S U S

1. Union of India through the General Manager,  
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway,  
Lucknow Division, Lucknow.
3. The Divisional Engineer (IV), Northern Railway,  
Hazratganj, Lucknow.
4. The Assistant Engineer, Northern Railway,  
Prayag.

.....Respondents

Counsel for the respondents :- Sri A.V. Srivastava

O R D E R (Oral)

(By Hon'ble Mr. C.S. Chadha, Member- A.)

The case of the applicant is that he was working  
as Trolleyman when he was asked to appear in the trade  
test for the selection to the post of Mason in the

*Chadha*

year 1994. Vide annexure A- 2, the applicant was also informed about his selection and due to the non-availability of the post of Mason, his posting was not done at that time and it was ~~mention~~ that posting will be done just after creation of the vacancy. When this proposal was sent to the higher authority, it was discovered that the post of Mason is not available. Vide annexure A- 5 dt. 01.12.1994, the applicant was informed that since he was not in the chain of promotion and not eligible to be selected to the post of Mason, his selection has been cancelled.

2. Learned counsel for the applicant has cited a judgment of this Tribunal passed in O.A 674/89 in which similarly a person selected as Artisan who had worked on the said post was reverted. The Tribunal set aside the reversion on the ground that since he had been selected, it can be construed that relaxation for the eligibility was granted. Learned counsel for the applicant states that he would be satisfied if his representation is considered, in the light of the judgment cited above, by the respondents by a reasoned speaking order.. He also states that he may be allowed to file a fresh representation. In view of the fact that the applicant had been found fit in the trade test and qualified to work as Mason, it would be in the interest of justice that the department may consider his representation sympathetically in the light of judgment cited above. The respondents are directed to consider his representation, which he may file within 15 days, within a period of three months from the date of receipt of this order. Learned counsel for the applicant undertakes to supply a copy of the cited judgment with his representation. *The OA is disposed of according to the rule*

*b*  
/Anand/

Member- J.

*b*  
Member- A.