

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application 280 of 1999

Allahabad this the 15th day of February 2005

**Hon'ble Mr. Justice S.R. Singh, V.C.
Hon'ble Mr. S.C. Chaube, Member(A)**

1. Kishori Lal, S/o Mohan Lal, R/o MAP-146 CD, Railway Colony, Agra Cantt.
2. M.C. Sharma S/o Sri B.S. Sharma, R/o 38 Adarsh Nagar, Mathura.

Applicants

By Advocate Shri S.S. Sharma

Versus

1. Union of India owing and representing 'Central Railway', Notice to be served to the General Manager, Central Railway, Chhatra Shivaji Terminal, MUMBAI.
2. The Divisional Railway Manager, Central Railway, Jhansi.
3. The Senior Divisional Operating Manager, Central Railway, D.R.M. Office, Jhansi.
4. The Senior Divisional Personnel Officer, Central Railway, D.R.M. Office, Jhansi.

Respondents

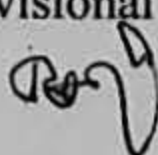
By Advocate Shri A.K. Gaur

ORDER (Oral)

By Hon'ble Mr. Justice S.R. Singh, V.C.

Heard Sri S.S. Sharma, learned counsel for the applicant and Sri A.K. Gaur, learned counsel for the respondents and perused the impugned order dated 26.02.1999.

2. By the impugned order dated 26.02.1999 the applicants have been reverted to their substantive post of Divisional Telegraph Traffic Inspector. It has been



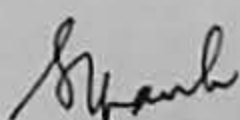
contended by the learned counsel for the applicant that the impugned order is illegal, arbitrary, discriminatory and violative of article 14 of the Constitution.

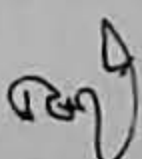
3. In the counter affidavit the impugned order is sought to be supported, inter alia, on the ground that the applicants were promoted to the grade of Rs. 1600-2660(RPS) on ad hoc basis and have been reverted to their substantive post in the grade of Rs. 1400-2300 due to 'shrinking cadre' which has been declared surrendered and supernumerary post as per letter dated 31.07.1998(AnnexureR.A.-1). A perusal of the letter dated 31.07.1998 would indicate that two posts of Divisional Telegraph Traffic Inspector in Jhansi Division in which the applicants were working came to be surrendered and declared as supernumerary. A perusal of the promotion order dated 20.04.1995(Annexure-3) would indicate that the applicants and seven others were promoted to the post of Telegraph Signaler on ad hoc basis. The applicants were at Sl.No. 1 and 2 respectively. All the nine persons given ad hoc promotion vide order dated 20.04.1995 were posted in the Jhansi Division and the respondents have not been able to explain the basis on which the first two candidates in the promotion order were reverted while others who are said to be junior as per para 4.26 of the O.A., have been retained in service.

4. The impugned order in our opinion is illegal, arbitrary, discriminatory and violative of Constitution. The impugned order dated 26.02.1999 does not contain any reason for reversion of two out of nine candidates who were given ad hoc promotion and the reason in support of the reversion sought to be supplied in the counter affidavit, as explained above, is untenable.

5. Accordingly, the O.A. succeeds and is allowed. The impugned order dated 26.02.1999 is quashed. The applicants are entitled for consequential benefits. It is, however, made clear that it would be open to the competent authority to pass appropriate order in the matter in accordance with law within a period of three months from the date of communication of this order.

6. There shall be no order as to costs.


Member {A}


Vice Chairman