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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 13th day of February, 2001

Original Application No.1308 of 2001

COURT :-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Hon'ble Mr. S. Dayal, A.M.

1. Tapan Kumar Bhattacharya,
Son of Late Shri H.L. Bhattacharya,
Resident of 212/A, New Model Colony,
Izzatnagar, Bareilly.
2. Sudhir Kumar Son of Shyam Behari Lal,
Resident of E-79/B, Office Colony,
Izzatnagar, Bareilly.
3. Pramod Kumar Son of Late Padam Singh,
Resident of E-78/A, Office Colony,
Izzatnagar, Bareilly.
5. Sabir Ali Son of Ahmad Hussain,
Resident of L-22/G, Choupla Colony,
Bareilly, City Bareilly.
5. Niwas Baboo Saxena Son of Jagdish
Bahadur Saxena, R/o W-174/B, Station Colony,
Bareilly.
6. Amaresh Kumar Son of Kapil Dev Prasad,
R/o DRM(Operation) Office,
Izzatnagar, Bareilly.
7. Umesh Chand Son of Om Prakash
R/o 491-I, New Model Colony, Izzatnagar,
Bareilly.

(Sri SK Srivastava, Advocate)

. Applicant

Versus



1. Union of India through Secretary,
Ministry of Railway, Rail Bhawan,
New Delhi.
2. General Manager, North Eastern Railway,
Gorakhpur.
3. Divisional Railway Manager,
Izzatnagar, Bareilly.
4. Divisional Railway Manager (P),
North Eastern Railway Izzatnagar,
Bareilly.
5. Senior Divisional Personnel Officer,
North Eastern Railway, Izzatnagar,
Bareilly.

. Respondents

O R D E R (O_r_a_l)

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

By this OA the applicant have challenged the order dated 11-7-2000 and 18-7-2000 by which the applicants have been reverted, as they refused to participate in the Typing test which was necessary for promotion to the next higher post. Learned counsel for the applicant has submitted that under rules as the post is non-selection, no test is required for promotion. However, we are not satisfied with the submission as the rule cited by the learned counsel for the applicant provides that the authority may lay down appropriate test for granting promotion. Learned counsel for the applicant has also relied on Railway Establishment Rule 9 and submitted that as the applicants have worked on ad hoc basis of more than 18 months, they cannot be reverted, as provided in the Railway Board directions dated 9-6-1955, 22-11-1966 and 15-1-1966. We have perused the direction of the Railway Board. However, we are not satisfied.

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The Railway Board has said that for unsatisfactory working order of reversion cannot be passed without following the procedure prescribed in the Discipline & Appeal Rules. In the present case reversion has not been passed for unsatisfactory working. It is not disputed that the applicants were promoted on ad hoc basis and for granting them permanent promotion, speed test is necessary. Inspite of several opportunities given, the applicants have refused to participate in the speed test. In the facts and circumstances, we do not find any merit in this case. The OA is accordingly dismissed with no order as to costs.


Member (A)


Vice Chairman

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