

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH  
XXXXXX XXXXXXXX

(6)

O.A. No. 424 OF 1986  
XXXXXX

DATE OF DECISION 18-10-1989

Shri Haji Umar and Others Petitioner

Mr. P.H. Pathak Advocate for the Petitioner(s)

Versus

The Union of India &amp; Others Respondent

Mr. B.R. Kyada Advocate for the Respondent(s)

## CORAM :

The Hon'ble Mr. P.H. Trivedi : Vice Chairman

The Hon'ble Mr. P.M. Joshi : Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

1. Haji Umar  
2. Narandas R.  
3. Natwarlal N.  
4. Mohmad N.  
5. Jagjivan R.  
6. Gajanand A.  
7. Varsangji D.

C/o. Hai Umar  
Block No. M/101/D  
Railway Colony,  
Hapa Dist. Jamnagar.

.. Petitioners

( Advocate : Mr. P.H. Pathak )

Versus

1. The Union of India,  
Notice to be served through  
The General Manager (W.R.)  
Churchgate, Bombay.  
2. The Divisional Railway Manager,  
Western Railway,  
Kothi Compound,  
Rajkot.

.. Respondents.

( Advocate : Mr.B.R. Kyada )

JUDGMENT

Date : 18.10.1989

Per : Hon'ble Mr.P. H. Trivedi : Vice Chairman

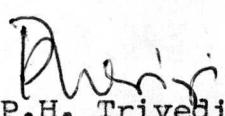
In this case the petitioners have impugned the order dated 18.8.1986, by the DRM, Rajkot at Annexure 'B' whereby the petitioners who were in 2nd Fireman Scale Rs. 210-270 (R), are reverted to the post of cleaners in the scale of Rs.200-250 (R). Their challenge is on the ground that they were appointed from 21st September 1973 as Fireman II, as shown at Annexure - A and having worked as such for 8 years, they can not be reverted to the lower scale post. The impugned orders do not give any ground for reversion, but in the reply the respondents have taken the plea that the promotion to the post of 2nd Fireman was purely on adhoc basis and strictly in accordance with seniority. On account of dieselisation some posts of 2nd Fireman were reduced and adjustment was

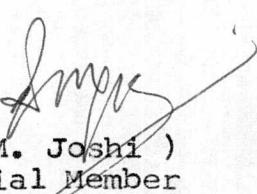
(6)

necessary by reversion of such 2nd Fireman to the post of Cleaner and these reversions also follow the same order of seniority which governed their promotion earlier to 2nd Fireman. So far as confirmation is concerned this is governed strictly in order of seniority and no juniors have been confirmed in the category of 2nd Fireman, overlooking the claim of the petitioners. So far as the post of Fireman - A in the pay scale of Rs. 290-350 (R) is concerned the petitioners' plea that their juniors have been appointed is disputed by the respondents on the ground that it is a selection post and was filled up after selection procedure was gone through and the applicants do not posses the requisite qualification for Fireman - A and they were not call for interview for Fireman - A.

2. We find that substantially the same pleas involving identical questions have been raised in case No. OA/396/86 and OA/ 342/86 which we have decided by our common judgment dated 8.9.1989.

3. We do not find any distinguishing ~~feature~~ calling upon any departure from the judgment referred to which accordingly governs the facts of this case also. We therefore, quash and set aside the impugned orders, qua the petitioners. Rule made absolute. No order as to costs.

  
( P.H. Trivedi )  
Vice Chairman

  
( P.M. Joshi )  
Judicial Member