

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 AHMEDABAD BENCH
 NEW DELHI

O.A. No. 775 of 1988.
 Tax No.

DATE OF DECISION 17.7.1991

Abdul Latif V. Pathan Petitioner

Mr. R.A. Mishra Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. N.S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh .. . Administrative Member

The Hon'ble Mr. S. Santhana Krishnan .. . Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *N*
4. Whether it needs to be circulated to other Benches of the Tribunal? *N*

Abdul Latif V. Pathan,
C/o. Works Manager,
Pratapnagar,
Baroda.
(Advocate - Mr. R.A. Mishra)

: Applicant

Versus

1. Union of India,
Through,
Rail Bhavan,
New Delhi.
2. General Manager, W.Rly.,
Churchgate,
Bombay - 400 020.

3. Works Manager,
Western Railway,
Pratapnagar,
Baroda.

: Respondents

(Advocate-Mr. N.S. Shevde)

CORAM : Hon'ble Mr. M.M. Singh

: Admv. Member

Hon'ble Mr. S Santhana Krishnan: Judicial Member

O.A./775/88

O R A L - O R D E R

Dated : 17.7.1991

Per : Hon'ble Mr. M.M. Singh : Administrative Member

The applicant, HS Fitter Grade I in the scale Rs. 1320-2040 was posted as Mistry (Tool Room) in the same scale of pay. The order mentioned that the post of Mistry is temporarily down graded. By order dated 28.11.1988, the applicant was posted as Mistry (Tool Room) which order took effect from 1.11.1988. According to the applicant, the said order involved his promotion which is given to him on the basis of seniority-cum-merit which the applicant came to possess. The applicant apprehended that some of his juniors working as Fitters are trying for the same post. Hence this application was filed under section 19 of the Administrative Tribunals Act, 1985. After filing of the application, the order of

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apprehended which the applicant/will be issued, came to be issued vide order dated 16.12.1988. After that, original application came to be amended and relief to quash order of reversion was sought.

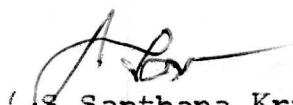
2. The applicant and his learned counsel are not present. Heard Mr. N.S. Shevde, learned counsel for the respondents.

3. The respondents have in their reply brought out that the order dt. 16.12.1988 of reversion of the applicant came to be issued because one Sundarsingh D., Apprentice Mechanic (MW) (Fitter Trade) who was under training for the post of Chargeman B from 16.12.1986, on completion of his training, was absorbed as Chargeman B on passing final retention test w.e.f. 16.12.1988. With the ~~L~~ of Mr. Sundarsingh D. one Shri Somabhai A. who is senior to the applicant in cadre of HS Fitter Grade I was reverted and posted as Mistry. As Shri Somabhai A. was reverted to the post of Mistry, he displaced the applicant who was working on adhoc and temporary basis as Mistry. As such the reversion of the applicant was because of the chain of posting which started with the appointment of Sundarsingh D.

4. The applicant has not filed any rejoinder.

5. We have no material placed before us in the application to dispute the contentions of the respondents taken in their reply. The reversion of the applicant from the ad hoc promotion post is unavoidable and violates my service rights.

6. In view of the above, application is liable to be dismissed. We hereby do so without any order as to costs.


(S Santhana Krishnan)
Judicial Member


(M M Singh)
Admv. Member