

# CENTRAL ADMINISTRATIVE TRIBUNAL

## AHMEDABAD BENCH

**O.A. NO. 383 OF 1991**

~~**T.A. NO.**~~

DATE OF DECISION 29-6-94

Muljibhai. D. Petitioner

Mr. G.A. Pandit, Advocate for the Petitioner (s)

Versus

Union of India & Ors. Respondent<sub>s</sub>

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

### CORAM

The Hon'ble Mr. K. Ramamoorthy, Admn. Member.

The Hon'ble ~~Mr.~~ Dr. R.K. Saxena, Judicial Member.

### JUDGMENT

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

No

Muljibhai D.,  
Fireman 'C',  
Western Railway,  
Viramgam, Ahmedabad.

..... Applicant.

V/s.

1. Union of India,  
Notice to be served through  
The General Manager,  
Western Railway,  
Churchgate, Bombay.
2. Divisional Railway Manager,  
Western Railway,  
Pratapnagar, Baroda.
3. Sr.Divisional Mechanical Engineer,  
Western Railway,  
Ahmedabad.
4. Asstt. Loco Foreman,  
Western Railway,  
Viramgam.

..... Respondents.

J U D G M E N T

O.A.No. 383 OF 1991

Date: 29-6-94.

Per: Hon'ble Dr. R.K. Saxena, Judicial Member.

Heard Mr. G.A.Pandit, learned counsel for the applicant and Mr. N.S. Shevde, learned counsel for the respondents.

2. The applicant has come to this Tribunal for seeking <sup>quashing of</sup> the order of reversion dated 14-7-1988 whereby he was reverted from the post of Fireman 'C' to the post of Coal Boy, but because of the interim order passed by the Tribunal he continued as Cleaner, <sup>quashed.</sup>

..... 3/-

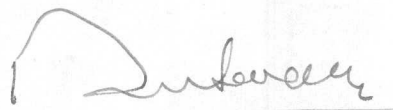
On the instructions of the Tribunal, the applicant had represented to the department to take into consideration the fact that he <sup>though</sup> failed in the examination of SSC <sup>but</sup> ~~and~~ that certificate <sup>having been</sup> produced in the Department, <sup>it was a document of requiring eligibility.</sup> ~~be taken into account.~~ The Department rejected the

representation holding that the applicant ~~is~~ still <sup>held</sup> ~~has~~ qualification equivalent to Standard VI. <sup>only</sup> It is <sup>let</sup> therefore, both these orders have been challenged.

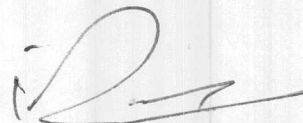
During the arguments, it has been pointed out by the learned counsel for the applicant that the applicant ~~had~~ passed SSC examination in 1993 and thus he holds the requisite qualification not only <sup>for the</sup> ~~post~~ of Cleaner but also for the post of Fireman 'C' and the Driver.

Looking to these <sup>new fact</sup> ~~view and aspect~~ which has not been denied by the respondents, it appears proper that the respondents should consider this qualification of SSC examination coupled with the past experience of <sup>towards eligibility.</sup> the applicant as Fireman 'C'. It is also pointed out that the applicant had also passed the departmental examination for the post of Fireman 'B'. We think that all these facts shall be taken into consideration by the department and the applicant shall be considered

for regularisation and proper posting. The application is disposed of accordingly.



(Dr. R. K. Saxena)  
Member (J)



(K. Ramamoorthy)  
Member (A)

vtc.