

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

notice along with  
copy of order dt. 27/11/01  
issued to all the  
resps. by legal with  
A.D. posts.

✓  
S.O.

MP  
5/12/01

Show cause & appearance  
not filed. For  
further continuance  
of interim orders.

Bench

MP  
11/12/01

Free copy of order  
dt. 13/12/01 issued  
to the counsel for  
both side.

✓  
S.O.

MP  
14/12/01

1) M.A. 1054/2001 for  
vacation of interim  
order. Copy not  
served.

2) Notice returned  
conserved from  
R-5 with a remark  
"Rejected".

✓  
S.O.

For orders.

MP  
17/12/01

Bench

Order dated 12.12.01

Show cause filed with copy to other  
side. Shri D.N. Mishra wants modification  
of the <sup>interim</sup> order. In view of this, adjourned  
to 13.12.01. Interim order to continue  
till then.

Vice-Chairman  
12/12/01  
Member

Order dated 13.12.01

At request, adjourned to 20.12.01  
for considering the prayer for modification  
of the interim order. Interim order to  
continue till then.

Vice-Chairman  
20/12/01  
Member

Order dated 20.12.2001

Heard Shri D.N. Mishra, learned Standing  
Counsel and Shri P.K. Chand, learned counsel for the  
petitioner in O.A. on M.A. 1054/01 filed by the  
respondents praying for vacation of the ad interim  
order of stay. The applicant has also filed objection  
to M.A. With the consent given by the learned counsel  
of both sides, both M.A. and O.A. are taken up for  
hearing and final disposal.

In the O.A. the petitioner has prayed for  
direction to respondents not to take coercive measure  
against him in pursuance of letter dated 13.11.2001,  
in which Railway authorities have directed to review  
the cases of all persons who are enjoying more than  
one adhoc promotion. By way of interim relief the  
applicant prayed that respondents should be directed  
not to revert him from the post of I.O.W. Gr. I to

to the post of I.O.W. Gr.II. Applicant had stated that he is the lien holder in the Open Line and that the persons who are junior to him in the Open Line are still continuing as I.O.W. Gr.I. In consideration of that in order dated 27.11.2001, it was directed as an ad interim measure, that the applicant should not be reverted to the post of I.O.W. Gr.II till 12.12.2001 in case persons junior to him in the Open Line are still continuing as I.O.W. Gr.I. Respondents have pointed out that the applicant is working as I.O.W. Gr.I on adhoc basis and in case his juniors are continuing as I.O.W. Gr.I he can always come back to Open Line and continue as I.O.W. Gr.I. It has been submitted by Shri Chand that subsequent to issuing of the letter dated 13.11.2001, in order dated 29.11.2001 given some relaxation has been given in the matter of reversion of persons who are enjoying more than two and more than one adhoc promotion(s). It has been stated that those who are entitled to promotions under the A.C.P. Scheme should not be reverted. It has further been stated that those persons who are allalong working in Group C posts and who have been absorbed in Group D posts because of absence of Group C posts should also not be reverted. It is submitted by Shri Chand that so far as applicant is concerned, he has not yet been granted promotion under the A.C.P. Scheme and promotion under the A.C.P. Scheme will be given to him in the Open Line where he holds his lien. In view of this, we direct that in case the applicant wants to be reverted to the Open Line he should file a representation with a period of seven days from to-day and till such representation is filed the applicant should be allowed to continue in the post of I.O.W. Gr.I.

*J. J. C. P.*

5  
We make it clear that if representation is not filed by the applicant within seven days from to-day (as ordered above) seeking reversion to the Open Line then the respondents will be free to revert him to the post of I.O.W. Gr.II in accordance with the established Policy and also after satisfying themselves that the case of the applicant is not covered under the order/circular dated 29.11.2001. We also further direct the respondents that in case the applicant is reverted to the Open Line all his service benefits should be protected strictly in accordance with rules.

With the above observation and directions this Original Application is disposed of along with M.A.1054/01. No order as to costs.

  
MEMBER (JUDICIAL)

  
VICE-CHAIRMAN

20.12.2001

Free copy of order  
of 20/12/01 issued  
to the counsel for  
both sides.

102  
20.12.2001  
S.O.

YR  
21/12/01