

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

O.A. No. 391/1995
T.A. No.

199-

DATE OF DECISION : 31.03.2000.

Praveen Kumar Nagar

Petitioner

Mr. Chandra Shekhar, Adv., brief holder for

Mr. M.C. Bhoot,

Advocate for the Petitioner (s)

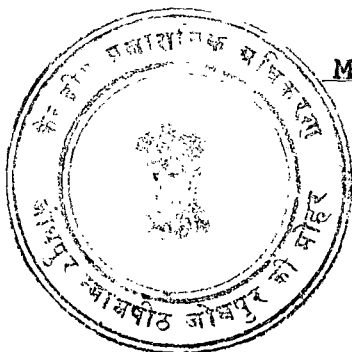
Versus

Union of India & Anr.

Respondent(s)

Mr. R.K. Soni,

Advocate for the Respondent (s)



CORAM :

The Hon'ble Mr. Justice B.S. Raikote, Vice Chairman

The Hon'ble Mr. Gopal Singh, Administrative Member

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

Gopal Singh
(Gopal Singh)
Adm. Member

B.S. Raikote
(B.S. Raikote)
Vice Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 31.03.2000

O.A. No.391/95

Praveen Kumar Nagar S/O Shri N.K. Nagar, Electrical
Fitter (Diesel) Gr.III, Western Railway, Abu Road.

... Applicant

Vs

1. The Union of India through General Manager (P),
Western Railway, Headquarter Office, Church
Gate, Bombay.
2. The Divisional Railway Manager, (Establishment),
Western Railway, Ajmer.

... Respondents

Mr. Chandra Shekhar, Adv., Brief holder for
Mr. M.C. Bhoot, Counsel for the Applicant.
Mr. R.K. Soni, Counsel for the Respondents.

..

CORAM :

Hon' ble Mr. Justice B.S. Raikote, Vice Chairman
Hon' ble Mr. Gopal Singh, Administrative Member

ORDER

(PER HON' BLE MR. GOPAL SINGH,)

In this application under Section 19 of the
Administrative Tribunals Act, 1985, the applicant has
prayed for setting aside the impugned order dated
17.8.1995 at Annexure A/1, qua the applicant. By way
of interim relief the applicant has prayed for staying
the operation of impugned order dated 17.8.1995 at
Annex. A/1, qua the applicant.

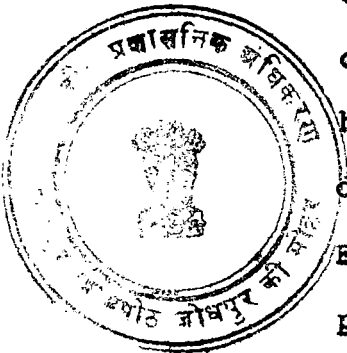
Gopal Singh

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2. The operation of impugned order dated 17.8.'95 was stayed qua the applicant vide our order dated 14.9.'95.

3. Circumstances leading to the present application are that while the applicant was working as Electrical Khallasi with the respondents-department, he was sent on deputation to Iraq Railway in March, 1988, where he remained upto 07.9.1989. During the applicant's deputation abroad, the respondents conducted selection for the post of Electrical Fitter (Diesel) Gr. III, and a panel dated 18.8.'89 was declared. Since this panel included many of his juniors, the applicant represented his case to the respondents for considering his case also. Thereupon, selection test was held for the applicant and he was empanelled vide respondents' letter dated 03.9.1991 (Annex.A/2) for the post of Electrical Fitter Gr. III, and after due training he was posted as such on 25.1.1993 at Abu Road.



4. The panel dated 18.8.1989, was challenged by some aggrieved employees in O.A. No.864/92, before the Jaipur Bench of the Central Administrative Tribunal, and the said O.A. was decided on 22.9.1994, quashing the panel dated 18.8.1989 with further following observations :

"Looking to the hardship, we direct that the appointments so made may be continued for a period of three months only from the date of the receipt of the copy of this orders. The respondents will be at liberty to give the provisional appointments afresh on the basis of the merit list /marks secured till the fresh selections are made according to the rules and the persons who are eligible are allowed to appear. Thus, the provisional appointments so given shall not be continued beyond one year. However, the respondents will be at liberty to prepare the fresh panel according to the rules and in case the panel is prepared earlier, then that panel can be enforced."

Amal Singh

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Accordingly, the respondents-department cancelled the panels dated 18.8.1989 and 03.9.1991 vide their letter dated 19.6.1995 (Annex.R/1) and empanelled candidates allowed vide (Annex.R/1) to continue provisionally on the post of Electrical Fitter Gr.III, till 22.9.1995, and thereafter the promotion would stand cancelled automatically. Apprehending reversion to the post of Khalasi vide impugned order dated 17.8.1995 (Annex.A/1), the applicant filed this application on 07.9.1995, and got the stay vide our order dated 14.9.1995.



5. Notices were issued to the respondents and they have filed their reply. It has been submitted by the respondents that the applicant was considered and promoted to the post of Electrical Fitter Gr.III on the ground that some of his juniors were promoted vide panel dated 18.8.'89 during his absence on deputation to Iraq. Since the panel dated 18.8.1989, has been cancelled in terms of the order dated 22.9.1994 in O.A. No.864/92 of the Jaipur Bench of the Central Administrative Tribunal, and this panel dated 18.8.'89 included employees senior to the applicant also, thus the reversion of the applicant alongwith his seniors placed on the panel dated 18.8.'89 is not illegal or arbitrary. Since his seniors stood reverted w.e.f. 22.9.1995 vide order dated 17.8.1995 (Annex.A/1), the applicant cannot be allowed to continue on the promoted post of Electrical Fitter Gr.III. Further, it has been submitted by the respondents that they have organised fresh selection during September, 1995, in which the applicant has also participated.

Capable of

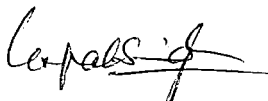
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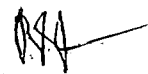
6. We have heard the learned Counsel for the parties and perused the records of the case.

7. It is a fact that selection of the applicant ^{on} was ~~conducted~~ on the ground that some of his juniors had been empanelled on the panel dated 18.3.1989, while the applicant was away to Iraq on deputation. It is not a case that the applicant was the only person eligible for selection. Thus, his selection for the post of Electrical Fitter Gr.III cannot be viewed in isolation. Since the panel dated 18.3.1989, stood cancelled in terms of the order dated 22.9.1994 of the Jaipur Bench of the Central Administrative Tribunal, and all the persons appearing on the panel dated 18.3.1989 including employees senior to the applicant, stood reverted vide order dated 17.8.1995, the applicant cannot make out a grievance of his reversion on the ground that no notice was given to him and his reversion would entail civil consequences.

8. In the light of the above discussion, we do not find any merit in this application and the same deserves to be dismissed.

9. The O.A. is accordingly dismissed with no order as to costs.


(GOPAL SINGH)
Adm. Member


(B.S. RAIKOTE)
Vice Chairman

J



Red Copy
6/10/06

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Part II and III destroyed
in my presence on 13-11-06
under the supervision of
section officer (I) as per
order dated 23/8/06

Section officer (Records)