

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.577/2000.

Monday this the 10th day of June 2002.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

A.Bhaskaran, Supervisor,
Office of the Section Engineer (Works),
(Doubling), Southern Railway,
Kollam. Applicant

(By Advocate S/Shri P.Santhoshkumar & T.A.Rajan)

Vs.


1. Union of India represented by
the General Manager, Southern Railway,
Headquarters Office, Chennai-3.
2. The Chief Personnel Officer,
Southern Railway,
Headquarters Office, Park Town P.O.,
Chennai-3.
3. The Chief Project Manager,
Construction Office,
Southern Railway, Egmore, Chennai.
4. The Deputy Chief Engineer,
Construction, Southern Railway,
Trivandrum.
5. **The Executive Engineer (Construction), S.Railway, Kollam.**
(By Advocate Mrs Rajeswari Krishnan) **.. Respondents**

The application having been heard on 10th June, 2002
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant while working as supervisor in the Office of the Section Engineer (Works), Southern Railway , Kollam filed this application impugning the order dated 11.4.2000 by which he was reverted with immediate effect as Mate in the scale of Rs.3050-4590. It is alleged in the application that the reversion of the applicant from the post which he was holding for 13 years continuously, without any reason is unsustainable.



2. The respondents in their reply statement resist the claim of the applicant for continuance as Supervisor on the ground that a decision has been taken by the Railway Board not to give adhoc promotion in a grade higher than immediate higher grade. While the respondents attempted to revert the applicant, the applicant and similarly placed others filed applications before this Tribunal against the proposed reversion. The application filed by the applicant was O.A. 472/92. A batch of cases of similar nature i.e. O.A.429/92 and connected cases along with O.A.472/92 was disposed of by this Tribunal on 25.8.1993. This Bench of the Tribunal taking note of the submission made by the counsel on either side, that there was no risk of actual reversion immediately disposed of the application, directing the respondents that the applicants should be allowed to continue in the Construction Wing enjoying the advantages which they enjoyed at that time. It was also stated that in the event of the authorities proposing to enforce the order to revert them, it should be done only after giving them a notice and an opportunity of being heard. The impugned order has been issued without any notice to the applicant. Noting this aspect, this Bench stayed the operation of the impugned order by interim order dated 1.6.2000. The applicant continued in service and retired on 30.4.2001. Learned counsel of the respondents states that the respondents decided to allow the applicant to retire w.e.f. 30.4.01 continuing in the scale of Rs.4500-7000 without reversion and therefore, the impugned order has now become infructuous. It is also stated that the retiral benefits of the applicant have been granted to him, as if the reversion has never taken effect.

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3. In the light of the above submission, the application is disposed of recording the above submission and without any further direction. No costs.

Dated the 10th June, 2002.


T.N.T.NAYAR
ADMINISTRATIVE MEMBER


A.V.HARIDASAN
VICE CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. A-1 : True extract copy of the order No.C.24/92 issued by the 3rd respondent.
2. A-2 : True copy of the Judgment in O.A No.429/92 connected cases dated 25.8.93 of this Hon'ble Tribunal.
3. A-3 : True copy of the order No.63/I/CN/Revie dated 11.4.2000 issued by the 3rd respondent.
4. A-4 : True copy of the Railway Board's letter No.E(NG) 1-70 CN 5/31 of S-12.70 S.N.5178.
5. A-5 : True copy of the Interim order of Hon'ble Central Administrative Tribunal, Madras dated 2.5.2000.

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