

HL

Registration O.A.NO. 408 of 1990 (L)

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Applicant

VΣ.

Union of India & Others....

Respondents

Hon'ble Mr.Justice U.C.Srivastava,V.C.

Hon'ble Mr.A.B. Gorthi, Member(A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was appointed as Gateman on 1.11.75 by Divisional Railway Manager in the N.E.Railway and he was promoted in the year 1977 as Patman in the Scale of Rs.210-270/-. Thereafter the applicant was promoted to the post of Shuntman in the year 1979 in the same pay scale of Rs.210-270/- which has been revised subsequently as Rs.800-1150/- w.e.f. 1.1.86. But according to the applicant despite the revision of the grade he has not been given the benefit of revised pay scale. In the year 1984 the applicant was sent for training at the Regional Training School Muzaffarnagar for advance training of Cabinman/Shunting Jamar and after qualifying the examination held on 17th October, 1984 the applicant by virtue of his seniority was promoted to the post of Shunting Jamar in the pay scale of Rs.1200-1800/- temporarily on officiating basis in the vacancy which was formed on account of retirement of one person. The promotion of the applicant was subject to the condition that the incumbents will be reverted as and when permanent posting orders are issued against the

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above vacancies, when seniors will be available for posting. The applicant was allowed to continue on the said post for about 4 years. The grievance of the applicant is that he has been unnecessarily reverted without ^{ascribing} ~~assessing~~ any reason. Even though no permanent ⁱⁿ posting order was issued in respect of the said vacancy which was held by the applicant, the junior to the applicant was promoted to the post of Shunting Jamadar and is still holding his promotional post.

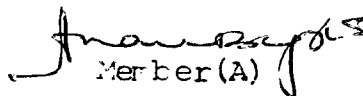
2. The respondents have resisted the claim of the applicant and stated that as a local arrangement the applicant was promoted and his promotion was purely on ad-hoc basis and he will be reverted as and when senior man becomes available for the said posting. But the promotion order was passed by the Junior Officer who had no authority to grant such promotion. The authority competent to grant such promotion is the senior scale officer i.e. Divisional Safety Officer. It is stated that one more jump was given to the applicant to the post of Shuntman Gr.I in the higher pay scale of R .950-1500/-. It appears that he had passed the qualifying examination, and for 4 years he was tolerated. During this period other persons who were qualified in the examination were promoted. With the result the applicant became junior. The respondents have stated that the petitioner's promotion to the post of Shunting Jamadar (Rs.1200-1300/-) would amount to supersession of his seniors..

3. In the Rejoinder affidavit the applicant stated that at the time of promotion only the applicant and one Shri Ram Sahai were available for promotion as the persons senior to the applicant were either holding the post of shunting Jamadar and other equivalent posts and as such there was no supersession

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of his seniors.

4. Accordingly this application deserves to be allowed and the reversion order dated 30.11.90 is quashed, and respondents are directed to decide the matter taking into consideration all the pleas and benefits of the applicant within 3 months from the date of communication of this judgment. The applicant shall be entitled to file a representation before the competent authority within 15 days from today. No order as to costs.


Member (A)


Vice-Chairman.

7th November, 1991. Lucknow.

(sph)