

(A5)

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

O.A. No. 209/91

Sunder Lal

Applicant

versus

Union of India & Others

Respondents.

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

Hon. Mr. K. Ubayya, Adm. Member.

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

From the facts it appears that the applicant was
welder
engaged as a casual labour/in the year 1976 and
according to him he continued to work upto 1981, which
assertion does not appear to be correct. The respondents
have stated that he was appointed as Aligner and he
continued to work as such ~~upto~~ from 2.8.78 to 31.12.79
and again ~~from~~ from 26.11.79 to 14.6.80 and the applicant
worked at Khalasi from 16.6.80 to 13.7.80. On 1.1.86
when
fixation of pay was done applicant was designated as
Aligner.

2. The grievance of the applicant is that
he was reverted to the post of Gangman in the year 1985
and the order was challenged by the applicant before the
Tribunal which was allowed and he was allowed to be
entitled for the post of Class IV cadre. The applicant
continued to work in view of the stay order passed
by the Tribunal at Allahabad he also continued after
the decision on the basis of the judgment upto now.
The Union people are interested in some other candidate
that is why the applicant has been reverted vide order
dated 22.6.91 and the order itself indicates that it

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has been done on the basis of verbal order of AEN and thus according to the applicant his reversion is illegal and arbitrary.

3. Although the respondents have nowhere stated that the applicant was at any point of time was appointed as a Gangman but the applicant became gangman and his case was also allowed by the Tribunal. The respondents have tried to justify their action by stating that the applicant was reverted on 15.7.88 by a common order dated 1.7.88 which was not challenged by the applicant and the other reverted candidates challenged it before the Central Administrative Tribunal, Allahabad which provided that "the applicants, if not already replaced by duly selected regular employees, shall not be reverted to Class IV post." It appears that in the meeting of P.N.M. it was held that the applicant was wrongly continuing as welder ignoring the claim of Sri Ganga Ram and that is why the reversion order was passed.

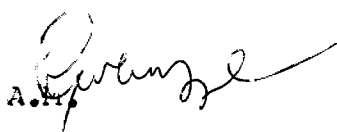
4. It is only on the basis of some oral directions that the reversion order has been passed. The applicant, after succeeding from the Tribunal was allowed to hold class IV and dispute regarding seniority and juniority of the applicant, without affording opportunity of hearing, could not be reverted in the manner in which he has been. The reversion is for certain reasons on

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the oral directions. The authority concerned could
not have reversed him. It is only on the basis of the question that
some Shri Ganga Ram was senior and this matter was
never brought to the notice of the applicant. The
reversion order dated 20.6.91 contained in Annexure -1
is quashed and the respondents are directed to consider
the case of the applicant vis-a-vis Ganga Ram and
thereafter pass the order. No order as to costs.


A.A.P.


V.C.

Shakeel/-

Lucknow Dated: 14.12.92.