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CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

Transferred Application No. 1060/87

Raghuvir

Applicant

versus

Union of India & Others

Respondents.

Shri O.P. Srivastava Counsel for Applicant

Shri Arjun Bhargava Counsel for Respondents.

Coram:

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon. Mr. K. Obayya, Adm. Member.

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

The applicant started his service as Gangman in the N.E. Railway in the month of November, 1966 in the scale of Rs 70-85. He was put to duty as carpenter in the scale of Rs 260-400 on officiating adhoc basis in stop gap arrangement. The applicant continued to work as Carpenter but after 7 years of working he was Carpenter reverted to the post of Khalasi vide order dated 19.11.81.

The respondents have justified this reversion order on the ground that the work of BNZ was curtailed due to BG conversion on the train movement between Baliganj and Malhaur was totally stopped. The petitioner was not trade tested and that he was at serial No. 33 in the list and his reversion was warranted and that is why his reversion was ordered. According to the applicant notwithstanding the reversion he was continued on the

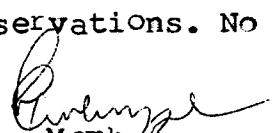
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post of Carpenter and reversion never came into effect and this fact was denied in a cryptic manner but there is no admission by the respondents that the petitioner applied for the post of Carpenter against 50% direct quota and in the trade test he was found successful and has been promoted as Carpenter in the grade of Rs 950-1500 vide office order dated 17.2.89. The benefit of reclassification for post was given to the petitioner in availability of post w.e.f. 1.4.80 vide office order dated 7.2.1983 and the arrears were also paid.

2. In view of the fact that the reversion which did not come into effect and given the arrears of reversion period, the reversion order became non-existent and cannot be relied upon. In view of the fact that the applicant was promoted, the seniority matter is first to be decided by the Railway Administration and the petitioner to approach the Railway Administration for the said grievance and let it be done within a period of 3 months and there appears to be no reason why this matter be not decided expeditiously when the applicant approaches the Railway Administration.

3. The application is disposed with the above observations. No order as to costs.

  
Adm. Member.

  
Vice Chairman.

Lucknow: Dated 6.1.93.