

18/5

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW

Lucknow this the (8th) day of May, 99.

O.A. No. 296/92

HON. MR. D.C. VERMA, MEMBER(J)

HON. MR. A.K. MISRA, MEMBER(A)

Kasim Ali, aged about 35 years, son of late Hashim Ali resident of 58/161, Bagh Aina Beebee, Husainganj, Lucknow.

Applicant.

None for applicant.

versus

1. Union of India through its Secretary, Department of Railways, New Delhi.
2. General Manager, N. Railway Baroda House, New Delhi.
3. d.r.m. Northern Railway, Lucknow.
4. Assistant Personal Officer, Northern Railway Lucknow.
5. Sr. Gyan Chandra, Clerk D.R.M. Office, Lucknow.


Respondents.

By Advocate Shri Anil Serivastava.

O R D E R

HON. MR. D.C. VERMA, MEMBER(J)

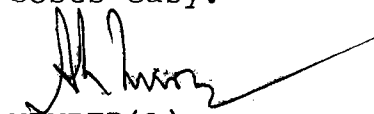
By this O.A. the applicant has claimed that the order of reversion dated 27.5.92 be quashed. The applicant was initially appointed on compassionate grounds. Subsequently, the applicant was promoted to the post of Khalasi in the grade of Rs 800-1150 and was also promoted to the post of Train Lighting Fitter in the grade of Rs 950-1500. However, by the impugned order dated 27.5.92, the applicant was reverted from the post of Train Lighting Fitter to the post of Khalasi Fitter, hence this O.A.




2. As per the respondents' case, due to administrative error, the applicant was promoted to the post of Train Lighting Fitter. One Shri Beni Prasad who was senior to the applicant was by mistake, not promoted prior to the applicant. After promotion of the applicant, Shri Beni Prasad made a representation. The said representation was considered and thereafter, the error was detected and consequently, by the impugned order as per schedule seniority, the applicant was reverted as Khalasi helper and Beni Prasad was promoted as Train Lighting Fitter. The order was given effect in 1994. The respondents have, in their counter affidavit explained the circumstances under which the reversion order was passed by the respondents. The applicant filed no Rejoinder to the counter affidavit of the respondents. The respondents have also filed the panel of Khalasis working under Electrical Department which was declared on 17.1.78. The applicant's initial appointment is of 3.5.78 i.e. after declaration of the panel of Khalasis. Consequently, the name of the applicant is not in the panel Annexure-1 dated 17.1.78. The name of Beni Prasad is at serial No. 656 of this panel and therefore, Beni Prasad was senior to the applicant. For erroneous promotion, due to administrative error, Beni Prasad could not have been put to loss and therefore, the respondents corrected their mistake by issue of the impugned order dated 27.5.92.

3. In view of the discussions made above, we find no merit in the O.A. The same is dismissed.

Costs easy.


MEMBER(A)


MEMBER(J)

Lucknow; Dated: 18.5.99

Shakeel/