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CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

...
O.A. No. 533 of 1992

Ram Balak and another Applicants.

Versus

Union of India
and others Respondents.

...
Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member(A)

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

The applicants, two in numbers, have challenged the order dated 21.9.1992 passed by the respondent no. 4 by means of which, they were reverted from the post of Dak Courier to the post of Gangman. The applicant no. 1 was appointed as Gangman on 15.1.1980 and further on 7.10.1991, he was posted as Dak Courier in the pay scale of R.s. 750-940. The applicant no. 2 was also appointed as Dak Courier on 27.5.1991. On 20.8.1992, the respondent no. 4 issued a letter to the respondent no. 2 by means of which, it was requested that all the staff working as Dak Courier under the Sub. Division are required to be permanently posted as Dak Courier and a request was made and necessary proforma may also be filled in. According to applicants their reversion orders are violative of Art. 311 of the Constitution of India inasmuch as this has been passed without giving any opportunity of hearing to the applicants.

2. From the counter affidavit, it is clear

that the applicants were posted to their initial

post@ of gangman in the pay scale of Rs. 775-1025, whereas the pay scale of Dak Couriers is Rs. 750-940, and as such it is not a reversion. The post of Dak Couriers are earmarked only for the dependents of the Railway Employees 'dying in harness' against which compassionate appointments are made. The applicants were temporarily engaged as Dak Courier against the vacancy, although they are earmarked for the widows of deceased Railway Employees. They were posted to the post of Gangman in this particular grade. The respondents have further submitted that the applicants were posted as Dak Courier Temporary, the competent authority i.e. D.R.M? N.E. Railway was requested to approve their engagement /posting as Dak Courier, but the D.R.M. issued a direction to post the staff on their initial post i.e. Gangman so that the appointment of the widows of Railway Employees on compassionate ground could not be made.

3. For the facts and circumstances stated above, we are of the view that the reversion of the applicants from the post of Dak Courier to the post of Gangman is not in violation of Art. 311 of the Constitution of India, because it is not reversion in real sense but it is only posting. Accordingly, the application has no force and it is accordingly dismissed. No@ order as to costs

Rubens
Member (A)

W
Vice-Chairman

Dated: 30.4.1993

(n.u.)