

PM

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH  
LUCKNOW.

O.A. No. 201/92

Visheshwar Prasad                    :::::           Applicant

Vs.

Union of India &  
Others.                                :::::           Respondents

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

Hon. Mr. K. Obayya, A.M.

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

The applicant was appointed as a Dak Carrier on 1/1/90. Since then he was working on the said post. It appears that thereafter an order was passed on 10-3-92 reverting the applicant to his original post of Casual Labour. The applicant challenged this order on the ground that he was appointed as Dak Carrier and he was continuously working in the said post for more than 2 years and the impugned order was passed without giving him an opportunity of hearing which is against the principles of natural justice.

2. It appears that the reversion order was necessitated when one Mrs. S. Rajkumari, widow of one Shri Bholanath, was appointed on 10-3-92 on compassionate ground. Shri Bholanath, who was an employee of the respondents, died in harness and his widow was appointed on compassionate ground. The said appointment was given on the basis of the welfare scheme and it has got legal sanctity and also it is within the jurisdiction of the Railways administration to make such appointment. The same necessitated shifting of the applicant to his original place. The applicant

was not holding the post on substantive basis.

As such his shifting to his original position does not result in reversion and does not call for giving any opportunity of hearing to the applicant.

Accordingly the application is dismissed.

  
Member (A)

  
Vice-Chairman.

Dated: 31st March, 1993. LUCKNOW.

(tgk)