

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. NO: 302/86

199

T.A. NO:

DATE OF DECISION 26.9.91

Shri S.K. Yusuf Chandmiya

Petitioner

Shri L.M. Nerlekar

Advocate for the Petitioners

Versus

Din. Personnel Officer,
Central Railway, Bagpur.

Respondent

Shri V.G. Rege.

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C. Srivastava, Vice Chairman.

The Hon'ble Mr. A.B. Gorthi, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(U.C. SRIVASTAVA)
VICE CHAIRMAN.

mbm*

(12)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 302/86

Shri S.K. Yusuf Chandmiya

... Applicant.

V/s.

Div. Personnel Officer,
Central Railway, Nagpur.

... Respondent.

CORAM: Hon'ble Shri Justice U.C. Srivastava, Vice Chairman

Hon'ble Shri A.B. Gorthi, Member (A)

Appearances

Applicant by Mr. L.M. Nerlekar,
Respondents by Mr. V.G. Rege.

JUDGEMENT

Dated: 26.9.91

(Per Shri U.C. Srivastava, Vice Chairman)

Against reversion order reverting the applicant from the post of Motor Vehicle Driver to the post of Casual Khalasi he has approached this Tribunal. According to the applicant he was appointed as Casual Motor Driver on 19th July, 1975 and he was shown as Khalasi in the grade of 196 - 232. But according to the respondents, he was appointed as such in the year 1978 vide appointment order dated 24.6.1978. It appears that prior to that, the applicant was working as Driver on casual basis from 1975 and in 1978 the appointment letter was issued after his name was included in the panel and he had already passed the medical examination meaning thereby that he had thus attained a temporary status. The applicant had also passed the trade test on 11.11.1971 and it appears that he was later on reverted and according to him he was quite senior in the seniority list and yet he was reverted on 17.10.1984 to the post of Khalasi in the grade of 196 - 232.

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2. From the written statement it appears that the respondents were also not adhering to any particular principle in the matter. The seniority list which they have filed shows that one Shri Shafiullah Shamiullah was appointed against a newly created post of ~~Driver~~ while the applicant was reverted back again to the post of Khalasi in the grade of Rs. 196 - 232. The order itself indicates that Shafiullah Shamiullah was a Pointsman and he was given preference over the applicant. Later on the applicant was told by the respondents by letter dated 11.11.1981 that he would be promoted on regular basis only on his return and yet vide order dated 20.10.1981 Shafiullah Shamiullah Motor Driver was transferred in the same grade and posted at Ajni Loco against an existing vacancy and the applicant was allowed to officiate as Motor Driver in the said grade. But in the year 1984 he was again reverted. It appears that the respondents were appointing and reverting the applicant in this way without following any particular principle or norm. The applicant having attained a temporary status obviously certain rights have accrued to him and he could not have been reverted in this manner, and the reversion order is bad.

3. We direct the respondents to consider the claim of the applicant for promotion to the post of Driver in the grade in which he was earlier promoted or for regularisation as the case may be taking into consideration his seniority. Let this be done within two months of the date of communication of this order. If it will not be done within this period the reversion order will be deemed to have been quashed. The application stands disposed of. No order as to costs.

transcript
(A.B. GORTHI)
MEMBER (A)

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(U.C. SRIVASTAVA)
VICE CHAIRMAN.

INDEX OF THE DOCUMENTS WITH PAGE NUMBERED

| Sr. No. | Particulars of Documents | Qty. with page Numbers |
|---------|---|------------------------|
| ----- | | |
| 1. | One application under Section 19 of the Administrative Tribunal's act 1985. | |
| 2. | Indian Postal Order (Cross) No. <u>DD</u> 411371 of 27.2.86. 2 | |
| 3. | One Appel Appel's True Copy in Two pages. For Illegal Reversion from the Post of Motor Vehicle Driver to Khalasi. | |
| 4. | One True Copy of Reversion order By DRM (P) NGP. | |
| 5. | One Appel to Deputy Registrar, New Bombay in 5 copies. | |

SK Musuf Chandmiya

SK MUSUF CHANDMIYA
KHALASI

C/o D.S.T.E.(MW) Office
Central Railway Nagpur
NAGPUR

Dated : 30-9- 1986