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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 1

O A NO. 353/1989

S B Pevekar

Applicant

V/s

Union of India & Ors.

Respondents

Coram: Hon. Shri Justice M S Deshpande, Vice Chairman
Hon. Shri R Rangarajan, Member(A)

Appearance:

Mr. S D Redkar
counsel for the applicant

Mr. J G Sawant
counsel for the respondents

ORAL JUDGMENT:
(Per: M S Deshpande, Vice Chairman)

DATED: 23.3.1994

The challenge by this petition is to the seniority list of Train Drivers published as on 1.1.1986 as it does not represent the position of the applicant correctly for giving due weightage to his seniority and for recovery of Rs.1686 as arrears of wages. According to the applicant he was appointed as Steam Crane Stoker on 9.7.1958 and came to be promoted on 15.4.1966 as Crane Driver. He was reverted on 9.6.1970 to the post of Crane Agwalla and later promoted in July 1978 as Crane Driver. The dates given by the ~~applicant~~ applicant are disputed by the respondents, according to whom the applicant came to be reverted on 8.7.1966 as four posts of Crane Driver were to be surrendered and the applicant was promoted on 6.7.1988 in the reserved quota for the Scheduled Caste candidates.

The applicant has not filed the order of reversion which he claims was passed on 9.6.1970. If we are to go by the submissions made by the respondents in the

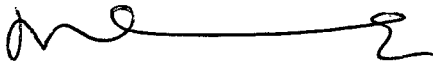
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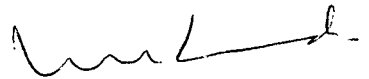
written statement it is apparent that the applicant was reverted within three months of his promotion as Crane Driver when four posts of Crane Driver were surrendered. Though the applicant has stated that he has made representation against the ^{order of} reversion passed on 9.6.1970, none of those representations have been produced here and in the absence of those representations and the correspondence it is difficult for us to hold that the challenge to the reversion of the applicant from the post of Crane Driver is within time.

Even if we are to consider the case on merits, the reversion which came within three months because of surrender of posts will not be open to challenge. It is not the applicant's allegation that he came to be reverted by casting stigma on him.

In the circumstances, we see no merit in the application and find that the applicant is not entitled to any ^{of the} reliefs claimed. The application is, therefore, dismissed. No order as to costs.



(R Rangarajan)
Member(A)



(M S Deshpande)
Vice Chairman