

(b)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~NEW BOMBAY BENCH~~

O.A. No. 493/91
~~XXXXXX~~

198

DATE OF DECISION 13.2.1992

Shri J.N.Patel Petitioner

Shri G.S.Walia Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

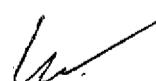
Shri A.L.Kasturey Advocate for the Respondent(s)

CORAM

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

The Hon'ble Mr. M.Y.Priolkar, 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 ?



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA.NO. 493/91

Shri J.N.Patel ... Applicant

v/s.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice U.C.Srivastava
Hon'ble Member (A) Shri M.Y.Priolkar

Appearance

Shri G.S.Walia
Advocate
for the Applicant

Shri A.L.Kasturey
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 13.2.1992

(PER: U.C.Srivastava, Vice Chairman)

The applicant was working as Coach Attendant and by order dated 5.7.1991 he was reverted to the post of TI-Peon in the pay scale of Rs.750-940(RPS) on the ground that he has not passed the selection. The applicant is aggrieved by this order and approached this Tribunal. The applicant has joined the Railway service about the year 1970 in Class IV service. As per the allegation of the applicant he was called for the interview for the post of Coach Attendant on 12.4.1991 but in the panel his name was not shown and that is why he was reverted to the said post although he has been working as Coach Attendant for the last several years. The respondents have disputed the claim of the applicant as Coach Attendant and have stated that there was no formal order ever issued promoting the applicant as Coach Attendant as senior employees were not promoted. He has been utilised as Coach Attendant by way of local arrangement by SS BCT. Since he was utilised as Coach Attendant on officiating basis without any formal

order he was getting TA and Pay slip as has been shown. The suitability of these persons was judged by the committee and the committee did not find him fit for the post of Coach Attendant and that is why those who were found fit were appointed and the applicant was reverted. On behalf of the applicant this point has been seriously disputed but once the selection has been made it is difficult to say that the Selection Committee went astray or did not suitably adjudge the candidates or that the adjudication by it was not suitable and that too in the absence of any such material on record. But, however, as the applicant has been working since long there appears to be no reason why he should not be given one or two more chances. And accordingly this application is dismissed but with the direction that the applicant may be given two more chances for selection to this post and in case he is found suitable in either of these chances he may be appointed again as Coach Attendant. If in the meantime any vacancy arises which is not filled in or occupied by the duly selected person, or if duly selected person is not available for that vacancy, the applicant shall be allowed to continue as Coach Attendant again as a local arrangement on adhoc basis.


(M.Y.PRIOLKAR)
MEMBER (A)


(U.C.SRIVASTAVA)
VICE CHAIRMAN