

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-38.

Dated: 15 DEC 1993

APPLICATION NO(s) 800 of 1993.

APPLICANTS: A.T.Fernandez ,

RESPONDENTS: Chairman, Railway Board,  
New Delhi and Others.

TO.

1. Sri.M.Raghavendrachar, Advocate, No.1074 and 1075,  
First Stage Banashankari, Mysore Bank Colony,  
Opp;Raghavendra Nursing Home, Main Cross, Sub-Cross-4,  
Bangalore-560 050.
2. The Divisional Personnel Officer, Southern Railway,  
Bangalore Division, Bangalore.
3. Sri.A.N.Venugopala Gowda, Advocate, No.8/2, Upstairs,  
R.V.Road, Opp:-Bangalore Hospital, Bangalore-4.

SUBJECT:- Forwarding of copies of the Orders passed by  
the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the  
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal  
in the above mentioned application(s) on 30-11-1993.

*[Signature]*  
for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

gm\*

*g/c*  
Issued  
*[Signature]*

CETRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

O.A.No.800/93

TUESDAY THIS THE THIRTIETH DAY OF NOVEMBER 1993

Shri Justice P.K. Shyamasundar ... Vice-Chairman

Shri V. Ramakrishnan ... Member [A]

A.T. Fernandez,  
S/o John Baptist Fernandez,  
Aged about 28 years,  
Working as Goods Driver,  
Southern Railway,  
Byappanahalli,  
Bangalore Division.

... Applicant

[By Advocate Shri M.R. Achar]

v.

1. The Chairman and  
Ex-Officio Secretary,  
Railway Board,  
Rail Bhavan,  
New Delhi.
2. The General Manager,  
Southern Railway,  
Madras.
3. The Divisional Railway Manager,  
Bangalore Division,  
Bangalore.
4. The Divisional Personnel Officer,  
Bangalore Division  
Bangalore.

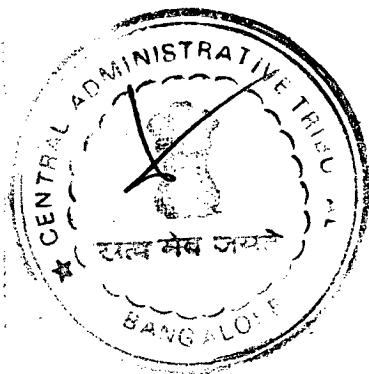
... Respondents

[By Advocate Shri A.N.Venogopal, Counsel for Railways]

O R D E R

Shri Justice P.K.Shyamasundar, Vice-Chairman:

1. The applicant herein was promoted on ad hoc basis as Goods Driver under Annexure A-3. The order of promotion makes it very clear that his promotion is purely on ad hoc basis and will not confer any claim of seniority, continuation, confirmation, etc. in the promoted grade. Subsequently on 27.11.1993 the applicant was served with an order as at Annexure A-4 which purports to



revert him to his substantive post in the scale of Rs.950-1500.

2. Aggrieved by that order the applicant has filed the OA mainly on the ground that many of his juniors who were also promoted as Drivers on ad hoc basis under Annexure A-3 are still continued in the higher scale and he alone has been singled out for ordering his reversion as per Annexure A-4.

3. The impugned order of reversion was stayed by this Tribunal and now we are told that the applicant has been suspended from service and that happened even before the reversion order was given effect to. The result is he is now under suspension in the promoted post as Goods Driver.

4. Shri M.R. Achar, learned counsel for the applicant, tells us that he has challenged the suspension order and the same is pending before the Appellate Authority. It thus becomes clear that right now the applicant continues in the promoted post on ad hoc basis by virtue of the interim order and he suffered thereafter an order of suspension. Whether the suspension is right or wrong is a separate issue into which we need not go into. Suffice it for us to now say that he cannot have any grievance because he continues in the higher post though under suspension.

5. We, therefore, dispose off this application with the observation that whenever he gets rid of the suspension order he may take the opportunity of assailing the reversion order if that order is still current at that time. Shri A.N. Venugopal, for the Railways, tells us that the department should be allowed to take action in accordance with law. It is needless for us to say that the department is always at liberty to take any action

in accordance with law.

Sd-

MEMBER[A]

bsv



TRUE COPY

Sd-

VICE-CHAIRMAN

*[Handwritten signature]*  
15/12/93  
RECEIVED  
15/12/93