

CENTRAL ADMINISTRATIVE TRIBUNAL: MUMBAI BENCH: MUMBAI

ORIGINAL APPLICATION NO.206 OF 1993

TUESDAY, THIS THE 6TH DAY OF JULY, 1999.

Shri Justice S.Venkataraman, .. Vice-Chairman.

Shri S.K.Ghosal, .. Member(A).

Brij Mohan Moolchand Shukla,
Aged about 57 years,
Diesel Chargeman, Diesel Shed,
Western Railway, Bandra,
Bombay-400 050. .. Applicant.

(By Advocate Shri L.M.Nerlekar - absent)

v.

1. Union of India,
through Divisional Railway
Manager (E), Western Railway,
Bombay Central, Bombay.
2. Senior Divisional Mechanical
Engineer (E), Divisional Railway,
Manager's Office, Western Railway,
Bombay Central, Bombay. .. Respondents.

(By Standing Counsel Shri V.S.Masurkar)

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O R D E R

Justice S.Venkataraman, Vice-Chairman:-

The applicant was promoted as Junior Diesel Chargeman on 29-10-1979 on ad hoc basis as per Annexure-B in the scale of Rs.425-700. He was promoted on ad hoc basis as Senior Diesel Chargeman in the scale of Rs.550-750/1600-2660 on 14-4-1987 as per Annexure-B. After he passed requisite test for the post of Master Craftsman, the scale of which is Rs.1400-2300 he was

again given paper promotion to officiate as Master Craftsman and posted to diesel shed on the ground that he was already officiating as Diesel Chargeman on ad hoc basis. Subsequently, the department issued a show cause notice to the applicant requiring him to show cause as to why he should not be reverted. After considering his representation, the respondents have passed the impugned order dated 21-1-1993 (Annexure-A) reverting him to the post of Master Craftsman in the scale of Rs.1400-2300 and allowing him to continue as Junior Diesel Chargeman in the same scale, he being the seniormost in that scale. The applicant has challenged this order.

2. When the matter was taken up for hearing, neither the applicant nor the counsel appeared. We have perused the application and considered the grounds urged therein.

3. The main ground urged by the applicant is that the respondents did not give him intimation to appear for the selection of senior Chargeman and that without considering his case, the respondents have considered the cases of his juniors and given promotion and that he being the seniormost in the lower cadre had to be considered for regular promotion as senior Chargeman. It is also urged that the post of Master Craftsman and Senior Diesel Chargeman being of equal grade, the respondents could not have ~~been~~ ^{him} reverted, inasmuch as he had passed the suitability test for Master Craftsman's post.

4. The respondents' case is that the post of Senior Chargeman is to be filled up by selection, that though the selection for filling up the post was held in 1982-83 it could not be

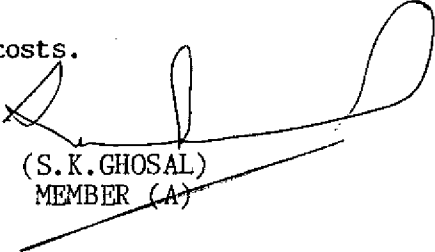
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finalised, that for the selection conducted in 1987-88 though the applicant was called, he did not appear and stated that he was sick and as such he could not be selected.

5. The fact that the applicant did not appear for the selection during 1987-88 is not disputed by the applicant. His main grievance is that he was not at all given information about that selection and as such he could not attend the selection. The respondents in their reply have specifically stated that the applicant was called during the selection of 1987-88 and that the applicant did not appear and stated that he was under sick list and that however, he was intimated at his residence about the test. The applicant in his rejoinder has not specifically denied this averment in the reply. However, he has stated that the written ^{test} was not conducted. There is no reason to discard the plea of the respondents that the applicant was informed about ^{the} ~~his~~ selection in 1987-88. As the applicant did not appear in that selection, he has not been selected. The reversion of the applicant in order to accommodate the persons actually selected cannot, therefore, be found fault with. The applicant has now been reverted to the post of Master Craftsman to which he has been regularly promoted. We do not see any other infirmity in the impugned order.

6. For the above reasons, this application is dismissed.

No costs.


(S.K. GHOSAL)
MEMBER (A)

np/


(S. VENKATARAMAN)
VICE-CHAIRMAN.