

In the Central Administrative Tribunal, Jaipur Bench,
Jaipur.

Date of Order: 13.4.93.

T.A. No. 1140/86.

R.P. Saxena

...Applicant.

Mr. P.D. Khanna

...Counsel for Applicant.

V.

U.O.I. & Anr.

...Respondents.

Mr. Mukesh Chauhan, brief
holder for Mr. S.S. Hasan

...Counsel for Respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice Chairman

Hon'ble Mr. B.B. Mahajan, Adm. Member.

Per Hon'ble Mr. B.B. Mahajan:

R.P. Saxena filed a civil suit in the court of
Munsif & Magistrate, Ajmer City (East), Ajmer, on
9.5.78 for declaration that he was in continuous service
as Proof Reader in the scale Rs. 330-480/- w.e.f. 14.3.77
and that the order dated 1.5.78 by which he was reverted
is illegal and that he could not be reverted from his
present post. The suit has been transferred to this
Tribunal u/s 29 of the Administrative Tribunals Act.

2. The applicant joined as Junior Proof Reader
in the Railway Press (Main) at Bombay on 27.1.72. He
was transferred to the Railway Main Press at Ajmer at
his own request on 13.4.76 after giving an option that
he would accept bottom seniority at Ajmer. He passed the
suitability test for appointment to the post of Proof

2.

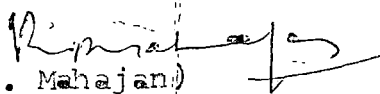
Reader on 14.3.77 and was promoted as such vide order dated 14.3.77 (Annex. 16 filed on 3.1.89 with affidavit in the Tribunal). He was, however, subsequently reverted from the post of Proof Reader to Junior Proof Reader on 4.8.77 (Annex. 19). The reversion order was subsequently cancelled vide order dated 12.8.77 (Annex. 20). However, he was again reverted as Junior Proof Reader vide impugned order dated 1.5.78 (Annex. 21). By this order one Gordhandas was promoted in his place as Proof Reader Grade II on ad hoc basis pending decision of the Railway Board, reverting the applicant as Junior Proof Reader.

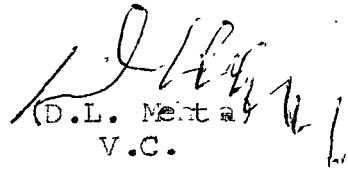
3. We have heard the counsel for the parties.

4. The learned counsel for the applicant has stated that he had been subsequently again promoted to the post of Proof Reader on 2.5.79 vide Annex. 23. The only grievance that now remains is against his reversion during the period intervening between 8.5.78 when the order dated 1.5.78 (Annex. 21) was implemented and his subsequent re-promotion on 2.5.79. We, however, find that Gordhandas who had been promoted in his place pending decision of the Railway Board had not been made a party to the suit. In his absence, it is not possible to determine the plea raised by the applicant that the promotion of Gordhandas was irregular as he had not passed any suitability test and was junior to the applicant at Ajmer. The impugned order has been passed on ad hoc basis pending decision of the Railway Board. It is not known whether Railway Board had taken any decision so far after 1.5.78.

5. In the circumstances, we allow the applicant to file a representation against the order dated 1.5.78 by which he was reverted from the post of P-proof Reader within two months of this order. The respondents are

directed to decide that representation if filed within aforesaid period of two months within six months of receipt of the representation after hearing any party likely to be affected by their decision on the representation and will not refuse to entertain the application merely on account of delay, which has been caused in this case because the applicant was pursuing the remedy of the civil suit. The applicant will, of course, be at liberty to file a fresh O.A. if he is aggrieved by the order of the authority on the representation to be made by him. Parties to bear their own costs.


(B.B. Mahajan)
A.M.


(D.L. Mehta)
V.C.