

J A I P U R .

O.A. No. 717/92

Date of decision: 2.8.93

D.S. MATHUR

: Applicant.

VERSUS

UNION OF INDIA & ORS

: Respondents.

Mr. J.K. Kaushik

: Counsel for the applicant.

Mr. Manish Bhandari

: Counsel for the respondents.

CORAM:

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

Hon'ble Mr. P.P. Srivastava, Administrative Member

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

Heard the learned counsel for the parties.

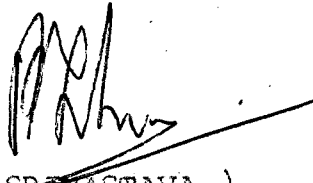
2. It is an admitted position that on 30.10.72 or some time in 1972, the reversion order was passed. However, this order has not come into operation and the applicant continued to work on the said post which he was holding at the time of the passing of the reversion order. This fact is evident from the judgement of the Presiding Officer, Central Government Labour Court, New Delhi vide Annexure A-1. In this order, it has been specifically mentioned that there was a reversion order but the workman's case is that he was not physically reverted to the post of Fitter Mistry and in this respect there was letter no. S/33/TR/III dated 10.9.77 to the Divisional Mechanical Engineer, Western Railway, Kota where it was confirmed that he was allowed to continue at Gangapur as Fitter Chargeman Grade 205-280 and was sent to Diesel Training as Chargeman in the same scale. This fact has also been given in para 7 of the judgment and the applicant continued to hold the post of Chargeman and was not physically reverted.


3. The respondents are not in a position to explain whether on any date the order of reversion came into effect and physically the applicant was reverted. In the facts and circumstances of the case it is directed that in any case, the applicant has not been physically reverted after the

passing of the order of reversion and he continued to hold the post of Chargeman, then he is entitled for the benefit of the seniority of the post of Chargeman. In case, he was physically reverted, may be after 1977, then he will not be entitled for the seniority of the post of Chargeman as claimed by him.

4. The respondents should examine his case in detail and pass a speaking order within a period of three month and decide the case of seniority of the applicant.

5. There shall be no order as to costs.


(P.P. SRIVASTAVA)
Administrative Member


(D.L. MEHTA)
Vice-Chairman