

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA 930/92 : Date of order 23.1.95

Laxmi Narain : Applicant

V/s

Union of India & Others : Respondents

Applicant in person

Mr. M. Rafiq : Counsel for the respondents

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Hon'ble Mr. Gopal Krishna, Member (Judicial)

Hon'ble Mr. N.K. Verma, Member (Administrative)

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (JUDICIAL)

Applicant Laxmi Narain in this application u/s 19 of the Administrative Tribunals Act, 1985, has challenged his reversion from the post of Train Examiner, scale Rs. 1400-2300 at Bandikui to that of Fitter Grade I scale Rs. 1320-2040.

2. We have heard the learned counsel for the parties and have perused the records carefully.


3. The applicant was promoted as a Train Examiner w.e.f. 31.7.90 by order dated 31.7.90 (Annexure A-2) on ad hoc basis. His contention is that juniors to him are working as Train Examiners and he was wrongfully reverted for unsatisfactory work without following the procedure prescribed in the Railway Servants (Discipline & Appeal) Rules, 1968. The impugned order at Annexure A-2 has also been challenged on the ground of mala fides and as being contrary to the principles of natural justice in so far as no opportunity of being heard was afforded to him before passing the order. On the other hand, the respondents have contended that the applicant was working as a Train Examiner in the pay scale of Rs. 1400-2300(RP) absolutely on ad hoc basis and in the order of promotion dated 31.7.90, it was stipulated that his promotion is purely on ad hoc basis and it shall not mean that he a selected person for that post. It was also stipulated

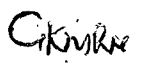
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therein that on availability of selected candidates or directly recruited candidates, the applicant was liable to be reverted. It is stated by the respondents that ^{Since} on 10.6.92 there had occurred a coach failure on account of breakage of Equalising Beam in Train No. 13 Up at Khan Bhakhri Railway Station on Jaipur Bandikui Section, the entire responsibility was on the applicant. Therefore, vide impugned order dated 13.7.92, the applicant was reverted from the post of Train Examiner in the pay scale of Rs. 1400-2300 to that of Fitter Grade I in the pay scale of Rs. 1320-2040(RP) and he was reverted on the orders of Divisional Mechanical Engineer and not of the Chief Wagon Supervisor as stated by the applicant himself.

It is the Divisional Mechanical Engineer, who is the competent authority for promotion, reversion and transfer of C Grade employees in the pay scale of Rs. 2000-3200. This fact is unchallenged. The learned counsel for the applicant has not produced any seniority list to show that any person junior to the applicant has been retained or promoted to the post of Train Examiner by-passing the applicant. Since the post of Train Examiner falls in safety category involving safety of a large number of passengers travelling in the train and there was a coach failure on account of breakage of Equalising Beam in Train No. 13 Up at Khan Bhakhri Railway Station on Jaipur Bandikui Section, the applicant was rightly reverted to the post of Fitter Grade I in the interest of Administration. Keeping in view these facts, that there was we do not find any necessity of giving any opportunity of hearing to the applicant before reverting him to a lower post.

4. In view of the position stated above, we find this application to be devoid of merits and the same is dismissed with no order as to costs.


(N.K. VERMA)
MEMBER(A)


(GOPAL KRISHNA)
MEMBER(J)