

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD :

D.A.No.953/90.

Date of Judgment:29-11-90.

Venkatanna Kondanna

....Applicant
Vs.

1. General Manager, South Central Railway, Secunderabad.
2. Divisional Railway Manager (M.G), South Central Railway, Secunderabad.

....Respondents

Counsel for the Applicant : Shri S.Lakshma Reddy

Counsel for the Respondents : Shri Jalli Siddaiah, SC for Rlys

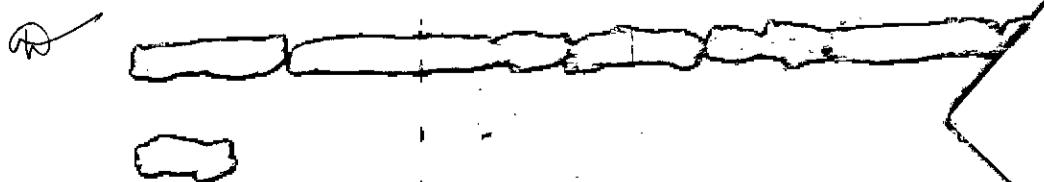
CORAM:

THE HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

THE HON'BLE SHRI D.SURYA RAO : MEMBER (JUDICIAL)

(Judgment of the Division Bench Delivered by
Hon'ble Shri D.Surya Rao, Member (J)).

The applicant herein who was originally recruited as 'pointsmen' was promoted as Jr.Signaller on 1-5-1979. He was selected and promoted as Senior Signaller in the year 1985, but ^{not} ~~he~~ refused promotion. He became eligible for promotion to the post of Senior Signaller again with effect from 6-1-88 i.e. one year after his refusal for promotion. On 30-8-88 he was retrospectively promoted as Senior Signaller with effect from 6-1-88 but no arr ~~were~~ paid to him. Respondents called ~~Q~~ options fr



employee of a
Clerks, TTE/TCS, T.N.Cs, Guards and A.S.Ms. in the Signalling
Department to opt for alternative jobs of Clerks, TTE/TCS,
T.N.Cs, Guards and A.S.Ms. After his promotion on 30-3-88,
pursuant to these options called on 24-5-88, the applicant
exercised his option to work as Guard in the same scale
i.e. 1200-2040. Accordingly he was sent for training
from 23-11-89 to 17-1-90 and thereafter he and one other
Shri B.Nageswara Rao were absorbed as Goods Guards by an
order dt.9-10-90. Thereafter on 29-10-90 respondents reverted
the applicant from the post of Goods Guard in the scale of
Rs.1200-2040 to the post of Junior Signaller in the scale
of Rs.975-1540. It is this order dt.29-10-90 ^{which is sought to be} stated to be
impugned in this application. u

2. It is contended that the order of reversion has
been passed arbitrarily without giving any reasons and that
the applicant has been discriminated. Shri Nageswar Rao ^{who}
~~was promoted to~~ ^{post} along with him was not reverted whereas he has been
~~reverted since no notice was also given. (He alleges that~~
~~and that to without issue of any notice.~~
~~order of reversion passed at the instance of a rival union~~
~~xxx belonging to I.N.T.U.C. whereas the applicant belongs~~
to South Central Railway Mazdoor Union.

3. A counter has been filed on behalf of the res-
pondents admitting that the applicant is eligible for promotion
as Senior Signaller from 6-1-1988. It is stated that in
promoting him retrospectively no arrears paid to him. It is
also admitted that pursuant to the applicant's promotion ~~xxx~~

(3)

by an order dt.30-8-88 as Senior Signaller, he had submitted his option to work as GoodsGuard, ^a and completed training and was later absorbed as Goods Guard ~~as~~ by an order dt.9-10-90. It is however stated that retrospective promotion of the applicant as Senior Signaller with effect from 6-1-1988 is incorrect due to non-availability of any posts of Sr.Signaller. This matter was raised by the Organised Labour (SCRES) and the Competent Authority has taken a decision to revert him to his original substantive post of Junior Signaller. In so far as Sri Na-
geswar Rao is concerned, it is stated that he was a regular senior Signaller from 26.8.86 and thereby he was eligible for posting as Goods Guard and therefore the question of his reversion does not arise.

4. We have heard Shri S.Lakshma Reddy, learned counsel for the applicant and Shri Jalli Siddaiah, learned standing counsel for Railways. The order dated 30-8-88 promoting the applicant from the post of Junior Signaller to the post of Senior Signaller indicates that he has been promoted in an existing vacancy. If on a review of the vacancy position on the basis of any representation made by Union or otherwise, the respondents found it necessary to revise the order dated 30-8-88, the applicant should ~~have~~ been given an opportunity of making representation against the proposed action giving reasons for reversion. It is seen from the impugned order that no opportunity was given and no reasons are mentioned in the impugned order for reverting the appli-

came from the post of Goods Guard to the post of Junior Signaller. The applicant could not even submit any representation against this order to the respondents as this order does not mention any reasons. The order thus being contrary to ~~rules of~~ ^{the R} principles of natural justice it has to be set aside and the applicant shall be continued as Goods Guard (Officiating). However, it is open to the Respondents to issue a notice if they feel it still necessary to revert him after affording him an opportunity to make representation. With these directions, the application is disposed-of. No order as to costs.

B.N.Jayashimha
(B.N.JAYASIMHA)
Vice-Chairman

D.Surya Rao
(D.SURYA RAO)
Member (J)

Dated: 29th November, 1990.
Dictated in Open Court.

D.Surya Rao
Deputy Registrar (Jud)

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To

1. The General Manager, S.C.Rly, Secunderabad
2. The Divisional Railway Manager (MG)
S.C.Railway, Secunderabad.
3. One copy to Mr.S.Lakshma Reddy, Advocate.
3-4-548/3, behind YMCA, Narayanaguda, Hyderabad.
4. One copy to Mr.Jalli Siddaiah, SC for Rlys, CAT.Hyd.
5. One spare copy.

pvm

RVS
5/11/90 (1)

CHECKED BY
TYPED BY

APPROVED BY
COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. B.N.JAYASIMHA : V.C.
AND

THE HON'BLE MR. D.SURYA RAO : M(J)
AND

THE HON'BLE MR. J.NARASIMHA MURTY : M(J)
AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

DATE: ~~24-9~~ 29/11/90

~~ORDER~~ / JUDGEMENT:

M.A. / R.A. / C.A/ No.

in

T.A. No.

W.P. No.

O.A. No. 953/90

Admitted and Interim directions
issued.

Allowed.

Dismissed for default.

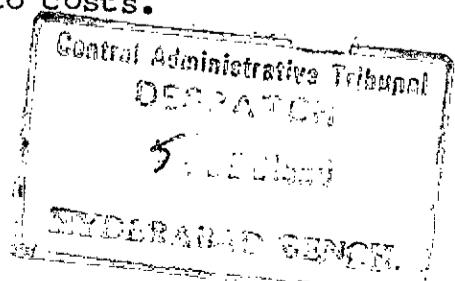
Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A. Ordered / Rejected.

No order as to costs.



5.11.90

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