

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

REVIEW APPLICATION NO.6/95

in

O.A.NO.1188/93.

Date of order: 10.3.95

BETWEEN:

GURMAIL SINGH

.. APPLICANT

AND

1. Chief Personnel Officer,  
South Central Railway,  
Secunderabad.

2. Divisional Railway Manager (Personnel),  
S.C.Railway,  
Hyderabad Division (MG),  
Secunderabad.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: SHRI S.LAKSHMA REDDY

COUNSEL FOR THE RESPONDENTS: SHRI G.S.SANGHI

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

CONTD.....

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(17)

R.A.NO.6/95  
in  
OA No.1188/93.

ORDERS

Dt:10.3.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri S.Lakshma Reddy, learned counsel for the applicant and Shri G.S.Sanghi, learned standing counsel for the respondents.

2. The applicant in the OA filed this Review Application. The applicant challenges the order dated 13.11.1986 whereby he was reverted from the post of Sr.TTE to the post of TC and <sup>on vacation</sup> ~~where~~ <sup>directed to be</sup> his pay was fixed at Rs.260/- ie., at the bottom of the pay scale of Rs.260-400 applicable to TCs. The ~~xxx~~ main contention for the applicant in the OA is that as his pay <sup>on appointment</sup> was fixed at Rs.400/-, being recruited <sup>under</sup> ~~en~~ sports quota, his pay cannot be fixed less than Rs.400/- by way of punishment. We held by the order dated 30.6.1994 that the judgment of the Apex Court reported in AIR 1988 SC 1979 (Nyadar Singh Vs. Union of India) is an authority for the proposition that by way of punishment, one cannot be reverted to a post in which he never worked, and it does not <sup>state</sup> ~~provide~~ <sup>that</sup> the pay of the delinquent employee cannot be fixed lower than the pay at the time of his initial recruitment.

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3. The learned counsel for the applicant relied upon the following passages in para 10 of the above judgment:-

"Though the idea of reduction may not be fully equivalent with 'reversion', there are certain assumptions basic to service law which bring in the limitations of the latter on the former. The penalty of reduction in rank of a Government servant initially recruited to a higher time-scale, grade, service or post to a lower time-scale, grade, service or post virtually amounts to his removal from the ~~xx~~ higher post and the substitution of his recruitment to lower post, affecting the policy of recruitment itself."

Even fixation of the pay at the time of initial recruitment is a policy of recruitment, and if the pay is fixed by way of punishment lower than the pay at which one is appointed, it is also a case of affecting policy of recruitment.

contd....

P.S.

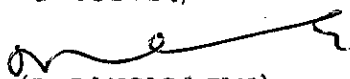
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4. Whether it is a matter of policy of recruitment is again one of interpretation. It cannot be stated that there is a possibility of having one view in the matter. We prima facie feel that it is not a case of policy of recruitment when advance increments are given at the time of appointment on the basis of the rules or circulars. Hence, on the basis of the contentions raised, we are unable to accept the contention that there is an error apparent on the face of the record.

5. Hence, the Review Application is dismissed.

No costs./

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

  
(V. NEELADRI RAO)  
VICE CHAIRMAN

DATED: 10th March, 1995.  
Open court dictation.

  
Deputy Registrar(J)CC

vsn

To

1. The Chief Personnel Officer,  
S.C.Rly, Secunderabad.
2. The Divisional Railway Manager(Personnel)  
S.C.Rly, Hyderabad Division(MG) Secunderabad.
3. One copy to Mr.S.Lakshma Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.G.S.Sanghi, SC for Rlys, CAT.Hyd.
5. One copy to ~~M~~library, CAT.Hyd.
6. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE- CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN: M(ADMN)

DATED - 10-3-1995.

ORDER/JUDGMENT:

With O.A.  
Copy

M.A./R.A./G.A. No. 6/95

O.A. No.

in

1188 / 93

T.A. No.

(W.P.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No. order as to costs.

*Not for copy*

*23/3/95*

