

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

O.A.No. 1324/1996

Dated: 27th November, 1996

Between:

B.S.Prakasarao,  
TXR Carriage Foreman,  
O.E.C., S.E.Railway,  
Visakhapatnam.

.... Applicant

and

1. The General Manager,  
South Eastern Railway,  
Calcutta-43.

2. The Divisional Railway Manager,  
S.E. Railway, Waltair,  
Visakhapatnam.

3. Divisional Mechanical Engineer,  
S.E. Railway,  
Visakhapatnam.

... Respondents

Mr. A.S. Rama Sarma

.. Counsel for applicant

Mr. N.R.Devaraj, SCGSC

.. Counsel for respondents

CORAM

HON'BLE MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON'BLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

O R D E R

Oral Order (Per Hon'ble Mr. Justice M.G.Chaudhari, VC)

Admit. Notice waived. By consent finally heard.

The applicant contends that while in his pay slip for the month of August 1996 he was shown to be holding the post of TXR in the pay scale of Rs. 1400-2300, in the pay slip for the month of September 1996, he was shown as holding the post of MCM C&W Fitter in the pay scale of Rs. 1320-2040 and that this has been done without serving any order of reversion on him and is therefore illegal.

2. The learned Senior Standing Counsel for the respondents produced before us relevant record and on going through it we find that an order of reversion of the applicant from the post of TXR to which he had been promoted only on adhoc basis on 24.11.94, as HSF Gr.I in the pay scale of Rs. 1320-2040 has been passed by DRM(P) and bears the dated 14.8.96. In the ordinary course of business the order must be deemed to have been issued and it has also been given effect to in the pay slip of September 1996. The applicant cannot hope to contend in the face of this order that he still continues to hold the post of TXR. In this connection, it is pertinent to note that in his representation (Annexure-A3) submitted by him, he has clearly stated that about a month back he was orally informed that he was reverted to his substantive post of HS Gr.I Artisan and he requested to review his case for continuing him as TXR. That clearly indicates that the applicant was aware of the order of reversion and he seems to have filed a representation on the basis of the pay slip of the month of September, 1996. The copy of the representation annexed to the OA, however, is undated.

3. The position therefore is quite clear, namely, that the adhoc promotion of the applicant as TXR has been terminated on 14.8.96. Being an adhoc, he cannot claim to be continued as TXR as a matter of right.


4. After hearing the learned Senior Standing Counsel, we however make it clear that though the applicant was imposed with minor penalty of withholding of increment in the grade of TXR vide order dated 12.6.96, the reversion shall not be construed as relating to the penalty imposed and the fact that the applicant was awarded a minor penalty earlier shall not be taken as a circumstance leading to his reversion since we have

*WAC*

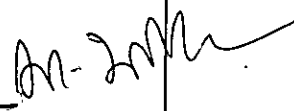

separately set aside the said penalty order in OA 1223/96. The reversion therefore will be treated to be effected without attaching any stigma to the applicant, without prejudice to remedies of the applicant against the reversion.

5. The respondents may dispose of the representation of the applicant on merits, provided it has been filed to them and has been received by them and communicate the result to the applicant. The OA is accordingly disposed of at admission stage. The original record produced by Mr. Devaraj is returned to him.

  
H. Rajendra Prasad  
Member (Admn.)

  
M.G. Chaudhari (J)  
Vice Chairman

27th November, 1996

  
Deputy Registrar (D) 

VM

O.A.1324/96.

To

1. The General Manager,  
SE Rly, Calcutta-43.
2. The Divisional Railway Manager,  
SE Rly, Waltair, Visakhapatnam.
3. The Divisional Mechanical Engineer,  
SE Rly, Visakhapatnam.
4. One copy to Mr.A.S.Rama Sarma, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm.

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31/12/96

I COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI  
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD  
MEMBER (ADMN)

Dated: 27 - 11 - 1996

ORDER / JUDGMENT

MIA./R.A./C.A. No.

in

O.A.No. 1324/96

T.A.No. (W.P.)

Admitted and Interim Directions  
issued.

Allowed.

Disposed of with directions at the

Dismissed. admission stage

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
बेच / DESPATCH  
27 DEC 1996  
हयदराबाद बेंच  
HYDERABAD BENCH