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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIFUR BENCH, JAIPUR.

* * *

Date of Decision: 15.12.95.

OA 60/93

ROOP KISHORE

... Applicant.

Versus

UNION OF INDIA AND ANOTHER

... Respondents

CORAM:

HON'BLE MR. O.P. SHARMA, MEMBER (A)

HON'BLE MR. RATTAN PEAWASH, MEMBER (J)

For the Applicant ... Mr. S.Kumar

For the Respondents ... Mr. B.S. Mathur

O R D E R

PER HON'BLE MR. O.P. SHARMA, MEMBER (A)

In this application u/s 19 of the Administrative Tribunals Act, 1985, Shri Roop Kishore has prayed that order dated 20.1.93 (Ann.A-1), by which the applicant, alongwith four others, has been reverted from the post of SMO Gr.III (New) to the post of Helper Thalasi, may be quashed with all consequential benefits.

2. On 29.1.93 the Tribunal had directed that the operation of order Ann.A-1 qua the applicant shall be stayed. Thereafter, the stay order was continued till further orders. The applicant has been continuing on the post of SMO Gr.III in view of the said stay granted by the Tribunal.

3. The case of the applicant is that he was initially appointed on the post of Thalasi at Ajmer on 1.9.91 and was latter promotion as Helper Thalasi and still latter after passing the trade test etc. he was promoted to the post of SMO Gr.III, at which post he has been continuously working since 5.5.89. Respondent No.2, the Dy. Chief Mechanical Engineer (Carriage), Western Railway, Ajmer, has, vide order dated 20.1.93, ordered the applicant's reversion from the post of SMO Gr.III to that of Helper Thalasi. No reasons have been given for the reversion and no prior notice was given before ordering reversion of the applicant. He has claimed that since he had passed requisite test for the post of SMO Gr.III and has already completed about 3½ years on this post, his reversion is bad in law.

4. The respondents in their reply have not denied the facts regarding the applicant's promotion to the post of SMO Gr.III but have added that the post against which the applicant's promotion was made was a work charged temporary post

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against a particular temporary project which came to end. After the project came to end, the respondents made efforts to adjust the affected employees against regular vacancies but this could not be done due to non-availability of posts. Therefore, the applicant and other similarly placed employees had to be reverted. The applicant's promotion was temporary in nature and he had acquired no right to continue on the post.

5. We have heard the learned counsel for the parties and have gone through the material on record. The learned counsel for the applicant produced before us copies of orders passed by this bench of the Tribunal in the cases of two of the other employees mentioned in Ann.A-1, who were also reverted alongwith the applicant, namely S/Shri Pooran Singh and Satya Narain, (OA No.59/93, decided on 27.7.94 and OA 61/93, decided on the same date). The directions given by the Tribunal in these two cases were that the cases of these persons should be considered for absorption on the basis of the merit and seniority as and when vacancies are available. In the circumstances of the present case also, therefore, we direct that the respondents shall consider the case of the applicant for appointment/absorption on the post of SMO Gr.III in accordance with seniority and on merit on availability of vacancies. The interim direction issued on 29.1.93, however, stands vacated.

6. The OA is disposed of accordingly with no order as to costs.


(RATTAN PRAKASH)

MEMBER (J)


(O.P. SHARMA)
MEMBER (A)

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