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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 6.1.95.

OA 62/93

AHMED ALI

... APPLICANT.

Versus

UNION OF INDIA & ANR.

... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

HON'BLE MR. N.K. VERMA, MEMBER (A).

For the Applicant

... SHRI S.KUMAR.

For the Respondents

... NONE.

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

Applicant Ahmed Ali has filed this application u/s 19 of the Administrative Tribunals Act, 1985, challenging the impugned order dated 20.1.93, at Annexure A-1, by which the applicant was reverted from the post of SMO Gr.III to that of Helper Khalasi.

2. We have heard the learned counsel for the applicant. None is present on behalf of the respondents in spite of the fact that this case was listed for hearing today.

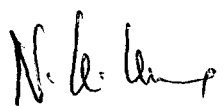
3. The applicant was appointed as Khalasi on 28.4.80 at the Ajmer in the office of Deputy Chief Mechanical Engineer (Carriage) in the Western Railway at Ajmer. He passed the trade test for the post of Skilled SMO scale Rs.950-1150 (RP) vide order dated 30.3.89 (Annexure A-2). He was thereafter promoted as Skilled SMO Gr.III and he has been continuing in that post ever since 1989. He is still continuing to hold this post under a stay order granted by this Tribunal.

4. The contentions of the respondents are that the posts on which promotions were made, were the work charged temporary posts since 1982, in connection with Diamond Frame Bogie Project, which itself was temporary. The promotion in question was made with the condition that no claim to hold the post, to which

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such promotion was made, could be maintainable. However, since the applicant has been reverted without having been given an opportunity of hearing, the order of reversion is violative of the provisos contained in Article-14 of the Constitution and as such it is liable to be set aside.

5. In the result, this application succeeds. The impugned order of reversion is set aside. However, it shall be opened to the respondents to pass a fresh order of reversion after hearing the applicant. No order as to costs.


(N.K. VERMA)
MEMBER (A)


(GOPAL KRISHNA)
MEMBER (J)