

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR.

T.A.No.1/93

Dt. of order: 26.8.1993

Gur Bachan Singh

: Applicant

Vs.

Union of India & Ors. : Respondents

Mr.R.N.Mathur

: Counsel for applicant

Mr.K.N.Shrimal

: Counsel for respondents

CORAM

Hon'ble Mr.B.B.Mahajan, Member(Adm.).

Hon'ble Mr.Gopal Krishna, Member(Jud.).

PER HON'BLE MR.B.B.MAHAJAN, MEMBER(ADM.)

Gur Bachan Singh had filed a writ petition in the High Court of Rajasthan, Bench at Jaipur praying for quashing of the notice issued on 23.8.1982 for terminating the memorandum of settlement dated 19.4.80 and for declaration that the applicant is entitled to the benefit of settlement dated 19.4.80 till it is replaced or substituted by a fresh settlement or award. The writ petition has been transferred to this Tribunal under Sec.29 of the A.Ts Act and registered as T.A.

2. The applicant was empanelled for the post of Junior Trade Instructor cum Mill Wright Fitter Trade by the Deputy CME, Wagon Workshop, Ajmer vide order dated 22.10.1969 (Annx.A-3). He was placed at Sl.No.1 in the panel. On the basis of the selection, he was posted Junior Trade Instructor vide order dated 7.11.69 (Annx.4). Subsequently, a decision was taken by the government to close down the Apprentice Training School. As a result, orders were issued on 29.4.80 (Annx.5) reverting the applicant from the post of Chargeman (Programme) which is stated to be equivalent to that of Junior Trade Instructor (Mill Wright Fitter). Under the Industrial Disputes Act, 1947, a Memorandum of

settlement was signed during the course of conciliation proceedings on 19.4.1980 (Annex.7) by which the management agreed that all the employees including the applicant will not be reverted and they will continue in their original grade of Rs.425-700 as usual. A notice was subsequently issued by the Additional CME, Workshop, Ajmer on 23.8.82 (Annex.8) under Sec. 19(2) of the Industrial Disputes Act, to terminate the memorandum of settlement and it was stated therein that the pay and allowances of the 4 employees mentioned therein including the applicant protected so far as per the Memorandum of settlement, are not to be protected in accordance with their due seniority on shop floor and normal rules of promotion.

3. We have heard the learned counsel for the parties. The learned counsel for the applicant has pointed out that in the case of Nihal Mohanani who was also one of the 4 officials affected by the impugned notice dated 23.8.82, this Tribunal has in its order dated 13.7.93 passed in T.A No.2/93, Nihal Mohanani Vs. Union of India & Ors. directed that the applicant should not be demoted and would be entitled to consequential benefits, if any. The learned counsel for the parties agreed that the case of the applicant is identical to that of Nihal Mohanani and there are no distinguishing features. In view of this we allow this application and direct that the applicant should not be reverted from the grade Rs.425-700 and he will be entitled for consequential benefits, if any. Parties to bear their own costs.

G. Krishna
(Gopal Krishna)
Member(J)

B.B. Mahajan
(B.B. Mahajan)
Member(A).