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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 11.1.96.

OA 173/95

Sohan Lal

... Applicant.

Versus

Union of India and others

... Respondents.

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

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

For the Applicant

... Mr. Rajvir Sharma

For the Respondents

... Mr. S.Kumar, brief holder for
Mr. M.Rafiq

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Sohan Lal, in this application u/s 19 of the Administrative Tribunals Act, 1985, has prayed for setting aside the order of reversion dated 2/9.1.95 (Ann.A-1), by which he was reverted from the post of Fireman Gr.I scale Rs.950-1500 to that of Call Boy/Box Boy scale Rs.775-1025.

2. We have heard the learned counsel for the parties. The contention of the applicant is that he was appointed as a Class-IV employee initially on 2.4.69 and thereafter promoted as Fireman Gr.II in the scale Rs.210-270 (FP). He was further promoted as Fireman Gr.I in the scale Rs.950-1500 and he was posted in the Kota Shed vide order dated 8.5.87. Since the applicant is working as Fireman Gr.I, he claims that he has a right to remain in service in that capacity. He has also successfully completed Diesel Assistant Training. However, a charge-sheet (SF-5) dated 26.9.94 was served on the applicant and a departmental enquiry is still pending but surprisingly he has been reverted from the post of Fireman Gr.I scale Rs.950-1500 to a lower post of Call Boy/Box Boy in the scale Rs.775-1025 and has been posted at Idgah. The learned counsel for the applicant has urged that the applicant cannot be reverted after about 9 years without holding a regular enquiry or without complying with the principle of natural justice. It is also stated by the applicant that he has successfully passed the training of Diesel Assistant scale Rs.950-1500 and now he has a right to remain in the post of Diesel Assistant i.e. Fireman Gr.I in the scale Rs.950-1500 and his reversion to a lower post is bad. The enquiry on the charge-sheet is still pending and it has not been finalised.

3. On the contrary, the respondents have stated that the applicant has been reverted as per recommendation of SDGM/GVO-DOG's letter dated 8/11.7.94. Their

contention is that since the very appointment of the applicant to the post of Fireman Gr.II was found to be illegal having been made on the basis of false declaration of passing VIII Class, the applicant was not at all entitled to get promotion to the post of Fireman Gr.I and his passing of the conversion training from Steam Traction to Diesel Traction cannot give him any right for retention in the cadre.

4. The applicant has admittedly made a representation regarding his reversion vide Ann.A-6 dated 9.1.95 and the same has not been decided by respondent No.2.

5. In the circumstances, we dispose of this OA with a direction to respondent No.2 to examine the representation of the applicant dated 9.1.95, at Ann.A-6, and take a decision on the representation on merits meeting all the points raised therein through a speaking order within a period of one month from the date of receipt of a copy of this order. If the applicant is aggrieved by any decision taken on the representation, he shall be at liberty to file a fresh OA. No order as to costs.


(O.P. SHAFMA)

MEMBER (A)


(GOPAL KRISHNA)

VICE CHAIRMAN

VK