

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,
JAIPUR.

Date of Decision: 12/4/2002

OA 328/97

Suraj Mal, Cabinman O/o Station Supdt., W/Rly, Badhal.
... Applicant

Versus

1. Union of India through General Manager, W/Rly, Churchgate, Mumbai.
2. Divisional Rly Manager, W/Rly, Jaipur.
3. Shri Ramji Lal, Cabinman O/o Station Supdt., W/Rly, Dabla, Distt. Sikar.

... Respondents

CORAM:

HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

HON'BLE MR.J.K.KAUSHIK, JUDL.MEMBER

For the -Applicant ... Mr.P.P.Mathur

For the Respondents ... Mr.U.D.Sharma

O R D E R

PER HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

This application has been filed against reversion of the applicant from the post of Cabinman to the post of Pointsman, vide order dated 12/17.1.96 (Ann.A/1). Case of the applicant is that he was senior to Shri Ramji Lal s/o Shri Narayan and that his reversion is illegal as Shri Ramji Lal cannot be promoted as Cabinman in preference to the applicant.

2. We have gone through the averments of the applicant and reply of the respondents very carefully and heard the learned counsel for the parties.

3. Learned counsel for the applicant, Shri P.P.Mathur, vehemently argued that the applicant had been rightly promoted w.e.f. 1.3.93 to the post of Cabinman in scale Rs.1200-1800 and he could not have been reverted after having continued in that post for almost three years, while his junior Ramji Lal has



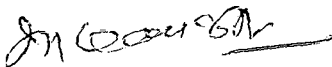
been permitted the benefit of holding the post of Cabinman. To counter this assertion, the learned counsel for the respondents drew our attention to the seniority list of the post of Pointsman/Leverman issued on 20.4.88. In that seniority list, name of the applicant finds place at S.No.16, while that of private respondent, Shri Ramji Lal, at S.No.11. The contention of the learned counsel was that promotion granted to the applicant earlier vide letter dated 2.3.94 was erroneous and by issuing the order of his reversion that mistake has been sought to be corrected.

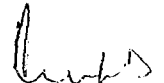
4. On perusal of the records, we find that in the seniority list of Pointsmen dated 20.4.88 the applicant stands junior to Ramji Lal. There is nothing brought on record to prove that this seniority list has been challenged or altered at any point of time later. The applicant had been promoted vide order dated 2.4.93 obviously erroneously. When this mistake came to notice he has been reversed vide impugned order. We do not find any infirmity in this order. There is also no substance in his claim that he is senior to Ramji Lal.

5. Another plea of the learned counsel for the applicant is that the applicant had received pay as Cabinman during the period he officiated in that post and that the respondents be directed not to recover any amount from him on the ground of over-payment. We find this apprehension of the learned counsel is not well founded for the reason that the respondents in para-1 of their reply have very clearly stated that no recovery is being effected from the salary of the applicant. We find no reason that after having so stated the respondents would take recourse to make any recovery.

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6. We dismiss this OA as having no merits. However, the respondents shall not resort to any recovery of the over-payment made for the period the applicant officiated as Cabinman, as has been stated by them in their reply itself. No order as to costs.


(J.K.KAUSHIK)
MEMBER (J)


(A.P.NAGRATH)
MEMBER (A)