

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,**  
**JABALPUR**

**Original Application No. 313 of 2004**

*Indore*, this the 17<sup>th</sup> day of Nov. 2005

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri Madan Mohan, Judicial Member

Laxmidhar, S/o. Lingram Jaina,  
Trolleyman-cum-Khallasi, Under  
Traction Foreman, Vikramgarh,  
A lot (MP).

.... Applicant

(By Advocate – Shri A.N. Bhatt)

**Versus**

The Union of India –  
Represented by :

1. The General Manager,  
West Central Railway,  
HQ Office – Jabalpur.
2. The Divisional Rail Manager,  
West Central Railway,  
Divisional Office, Kota (Raj.)

.... Respondents

(By Advocate – Shri Y.I. Mehta)

**ORDER**

**By Madan Mohan, Judicial Member –**

By filing this Original Application the applicant has claimed the following main reliefs :

“8.1. the reversion orders from the post of Trolleyman-cum-Sr. Khalasi, scale Rs. 800-1150/- to Khallasi, scale Rs. 750-940/- may kindly be quashed,

8.2. the reduction of scale below the recruitment scale may kindly be quashed,



8.3. the respondents may be directed to re-instate the applicant in his original grade and pay,

8.4. the pay which the applicant was drawing before reduction may be restored to his original stage,

8.5. all the arrears and consequential benefits may kindly be ordered to be paid."

2. The brief facts of the case are that the applicant is working as a Trolleyman-cum-Khalasi in the scale of Rs. 800-1150/- from 2.12.1987 and is yet working as Sr. Khalasi only. The applicant had joined the post after due selection on 23.4.1975 under the Permanent Way Inspector. While working as Gangman under the Permanent Way Inspector, Kota, he was called for selection for the post of Trolleyman/Sr. Khalasi and after passing the selection he was promoted and posted as such from 25.4.1984. He worked as Trolleyman/Sr. Khalasi/Sr. Gangman upto 1.12.1987. In response to a notification issued by the respondents the applicant has also applied for the post of Trolleyman and he was considered and posted under the Traction Foreman, Vikramgarh, Alot from 2.12.1987, in the same pay scale of Rs. 800-1150/-. He also earned the yearly increments from Rs. 800/- to Rs. 1050/- from 1.9.1993. The respondents decided to take trade test for the post of Helper Khalasi. In this list the name of the applicant was at serial No. 66. The respondents have reduced the pay of the applicant from Rs. 1050/- to Rs. 940/- without assigning any reason and without issue of any orders of reversion. The applicant has not been served with any notice of reversion. The action of the respondents is unjust and unfair. The impugned orders passed by the respondents dated 25.3/5.4.1996 (Annexure A-1) and 17.11.1995 (Annexure A-2) are liable to be quashed and set aside. The applicant had submitted several representations but no response was given by the respondents. Hence, this Original Application is filed.

3. Heard the learned counsel for the parties and carefully perused the pleadings and records.



4. The learned counsel for the respondents has raised a preliminary argument that on the basis of the letter written by the applicant dated 2.12.1993 (Annexure R-3) and signed by him out of his free will, he has been reverted to Khalasi in the scale of Rs. 750-940/-. He further argued that the applicant was initially recruited as Gangman in the scale of Rs. 200-250/- in the Engineering Department on 6.7.1976 and was regularized on 31.3.1978 and there was upgraded to Sr. Gangman in the scale of Rs. 210-270/- by order dated 25.5.1984 w.e.f. 1.8.1982. Hence, this Original Application deserves to be dismissed on this ground alone.

5. The learned counsel for the applicant argued against the aforesaid preliminary argument of the respondents that the so called letter dated 2.12.1993 (Annexure R-3), written by the applicant is not actually written by the applicant considering its adverse effects on his career. The applicant has only signed this letter and this letter is not in the handwriting of the applicant as it is a typed letter. The applicant cannot be adversely affected in view of the aforesaid letter produced on behalf of the respondents.

6. After hearing the learned counsel for the parties and on careful perusal of the pleadings and records, we find that the applicant has sought relief to quash the reversion orders from the post of Trolleyman-cum-Sr. Khalasi (Rs. 800-1150/-) to Khalasi (Rs. 750-940/-). We have perused the aforesaid letter of the applicant dated 2.12.1993 (Annexure R-3) produced on behalf of the respondents and find that in this letter it is mentioned by the applicant that the applicant is presently serving on the post of Sr. Trolley Man and due to his family circumstances and on his own will he is ready to serve on the post of Khalasi and he be posted accordingly. The applicant has not denied the fact that the signature in this letter is not his signature. Hence, the argument advanced on the behalf of the applicant that the said letter is not actually written by him, considering its adverse

effects on his career, cannot be accepted. The action of the respondents cannot be said to be either irregular or illegal in any way.

7. Considering all the facts and circumstances of the case, we are of the considered view that the applicant has failed to prove his case and this Original Application is liable to be dismissed as having no merits. Accordingly, the same is dismissed. No costs.

(Madan Mohan)  
Judicial Member

(M.P. Singh)  
Vice Chairman

"SA"

पृष्ठंकन सं जो/व्या.....जबलपुर, दि.....

(1) आवेदन, ..... जबलपुर

(2) आवेदन, ..... के काउंसल

(3) प्रत्यक्षी, ..... के काउंसल

(4) प्रत्यक्षी, ..... के काउंसल

सूचना एवं आवश्यक कार्यवाही हेतु  
उप सचिव

D. N. Bhatnagar  
D. N. Bhatnagar  
Y. I. Mehta  
D. N. Bhatnagar

Filed  
22.11.05