

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 17 of 2001

Jabalpur, this the 7<sup>M</sup> day of May, 2004

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

Kanchhedilal, S/o. Diwal Prasad Jha,  
Coach Repairer, Grade II, Coach Repair  
Workshop, Central Railway, Bhopal. ... Applicant

(By Advocate - None)

V e r s u s

1. The Union of India, through the General Manager, Central Railway, Chhatrapati Shivaji Terminus, Mumbai.
2. The Chief Mechanical Engineer, Central Railway, Chhatrapati Shivaji Terminus, Mumbai.
3. The Chief Workshop Manager, Coach Repair Workshop, Central Railway, Nishatpura, Bhopal. ... Respondents

(By Advocate - Shri M.N. Banerjee)

O R D E R

By Madan Mohan, Judicial Member -

None for the applicant. Since it is an old case of 2001, we proceed to dispose of this case by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987.

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

"(i) to quash the order dated 31.3.2000 (Annexure A-5) and subsequent order dated 8.12.2000 (Annexure A-9) arising thereto passed by the respondent No. 3, whereby the applicant has been ordered to be reverted to the lower grade and pay of H.S.Gr. III,"

3. The brief facts of the case are that the applicant was initially working in Loco Shed, Banda in Jhansi Division and after the closure of Steam Engine and being surplus he was transferred to Coach Repair Workshop, Central Railway,

Bhopal. After joining in Bhopal Division the applicant was promoted temporarily as Helper Khalasi in the pay scale of Rs. 800-1150/- in Mechanical Department of Coach Repair Workshop, Bhopal vide order dated 10.12.1993 (Annexure A-2). The applicant was granted proforma seniority and proforma pay fixation as Skilled Grade III in the grade of 950-1500/- on regular basis with effect from 21.6.1994 vide letter dated 6.5.1996. After passing the trade test the applicant was promoted as High Skilled Gr. II in the pay scale of Rs. 1200-1800/- vide order dated 29.11.1996 and he is working satisfactorily on the said post. The respondent No. 3 vide his order No. 61/2000 ordered to revert some of the employees including the applicant as detailed in the order to the lower grade and pay of Coach Repairer Grade III in the pay scale of Rs. 3050-4590/-. At present the applicant is working as H.S. Grade II Coach Repairer in the pay scale of Rs. 4000-6000/-. Before issuing the aforesaid order no show cause notice has been issued by the authorities concerned. The reasons mentioned in the order that to accommodate the juniors, the applicant is being reverted is not applicable in his case since he is not a junior person but was promoted as HS Grade-II after passing the trade test and his promotion to HS Grade-II is not out of turn promotion. Thus the reversion of the applicant is against the rules and is malafide. Other similarly situated employees who were working as Machinist Grade II in the same workshop as mentioned in the aforesaid order dated 31.3.2000 have filed an application before this Tribunal against their reversion from Grade II to Grade III and this Tribunal has been pleased to grant stay of the operation of the said order dated 31.3.2000 which related to the 12 employees (Machinist) who have filed an application before the Tribunal, vide order dated 4.4.2000, passed in the OA No. 288/2000.

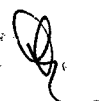
The respondent No. 3 vide order dated 26.4.2000 (Annexure A-7) kept the operation of the order dated 31.3.2000 in abeyance consequent upon passing the stay order dated 4.4.2000. During to passing of this order the applicant was under the impression that since the applicant's case is also of the same nature, his case will also be considered by the Department and hence he did not take any step in the matter. After issuance of the order dated 31.3.2000 the applicant submitted a representation dated 6.4.2000 (Annexure A-10) to the respondent No. 3 but no reply what-so-ever was sent to the applicant by the Administration. The applicant's case is also of the same nature as that of the applicants in OA No. 288/2000. The order dated 31.3.2000 (Annexure A-5) and subsequent order dated 8.12.2000 (Annexure A-9) arising thereof passed by the respondent No. 3 in so far it relates to the applicant is improper, illegal, malafide and unjustified and is liable to be quashed.

4. Heard the learned counsel for the respondents and perused the pleadings and the records.

5. The learned counsel for the respondents argued that the OA No. 288 of 2000 which was said to pending has been decided on 6th August, 2003 and the judgment of this case fully covers the case of the applicant.

6. We have given careful consideration to the rival contention made on behalf of the respondents and also perused the judgment of the OA No. 288 of 2000 passed on 6th August, 2003. This OA was allowed and the Tribunal while allowing the OA has passed the following order :

"15. In the premises, the Original Application merits acceptance and the same is hereby allowed. The



impugned order dated 31.3.2000 (Annexure A-7) so far as it relates to the applicants stands quashed. The applicants shall be entitled to all consequential benefits as if the impugned order was never in existence. The rule already issued is made absolute. However, we make no order as to costs."

7. For the reasons recorded above the Original Application is allowed. The impugned orders dated 31.3.2000 (Annexure A-5) and subsequent order dated 8.12.2000 (Annexure A-9) so far as it relates to the applicant stands quashed. The applicant shall be entitled to all consequential benefits as if the impugned order was never in existence. No costs.

(Magan Mohan)  
Judicial Member

(M.P. Singh)  
Vice Chairman

"SA"

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

पतिलिपि अद्योतितः-

- (1) सचिव, उच्च न्यायालय प्रार एत.लि.पु.न. जबलपुर
- (2) अध्यक्ष श्री/श्रीमती/शु. ....के कार्डसल
- (3) प्रत्यक्षी श्री/श्रीमती/शु. ....के कार्डसल
- (4) संयोजक, संयोज. जबलपुर न्यायाधीश सचिवा एवं आवश्यक दस्तावेजी हेतु

A D Mishra

MN Banerjee

*(Signature)*  
उप रजिस्ट्रार 2/5/04

*Forward*  
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