

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.6173 of 2014

DATE OF DECISION: SEPTEMBER 3, 2015

JANAK RAJ

...PETITIONER

VERSUS

CENTRAL ADMINISTRATIVE TRIBUNAL AND ORS. ...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE DARSHAN SINGH.**

1. Whether the judgement should be reported in the digest?

PRESENT: MR. D.R.SHARMA, ADVOCATE FOR THE PETITIONER.
MR. RAJIV SHARMA, ADVOCATE FOR RESPONDENT NO.2 TO 4.

M. JEYAPPAUL, J.

1. The writ petitioner Janak Raj challenges the impugned order passed by learned Central Administrative Tribunal, Chandigarh Bench (for short 'Tribunal') rejecting his plea for quashing the order passed by respondent No.3 on 25.9.2013 reverting him to the post of Loco Pilot (Passenger) from the post of Chief Loco Inspector .

2. The writ petitioner was serving as Loco Pilot (Passenger) w.e.f. 8.12.2009. Respondent No.3 issued a Circular dated 21.6.2011 calling for options from the eligible Running Staff and Loco Pilots having minimum driving experience of 75,000 kms. to the post of Chief Loco Inspector in the pay band of ₹9300-34800 with Grade Pay of ₹4600. The writ petitioner submitted his application on 23.6.2011 for the post of Chief Loco Inspector. His application was forwarded by Sh.Hind Kumar, Senior Subordinate with the certificate that the writ petitioner had the actual driving experience of

75,000 kms. The writ petitioner was selected and posted as Chief Loco Inspector on 27.10.2011 and continued to serve in that capacity till he was reverted to the post of Loco Pilot (Passenger) from the post of Chief Loco Inspector on 25.9.2003, after issuing show cause notice dated 23.1.2013.

3. Respondents No.2 and 3 have contended that the writ petitioner had played fraud upon the Department in connivance with Sh.Hind Kumar, Senior Subordinate who certified falsely that the writ petitioner had completed actual driving experience of 75,000 kms. whereas the writ petitioner had completed only 45,768 kms. As he was not eligible for the promotion to the post of Chief Loco Inspector, for he had not completed actual driving experience of 75,000 kms. proper show cause notice was issued and thereafter, he was reverted to the post of Loco Pilot (Passenger).

4. We heard the submissions made on either side.

5. The communication dated 21.6.2011 found appended as Annexure A-2 issued by respondent No.3 calling for options from the eligible Running Staff category and Loco Pilot category discloses that Loco Pilots who have got a minimum actual experience of 75,000 kms. alone can apply. As far as the Running Staff is concerned, even if they did not have requisite actual driving experience of 75,000 kms., the shortfall, if any, would be made good by them by being deployed on foot plate duties, prior to their being actually posted to work as Chief Loco Inspector.

6. It is an admitted position that the writ petitioner fell under the category of Loco Pilot and not under the category of Running Staff. Being a Loco Pilot, he should have got actual driving experience of 75,000 kms. as contemplated under the above communication. Annexure A-3 was the

application submitted by the writ petitioner exercising his option for the post of Chief Loco Inspector. As far as his experience was concerned, Sh.Hind Kumar, Senior Subordinate had forwarded his application with a certificate that the writ petitioner Janak Raj had got actual driving experience of 75,000 kms.

7. Respondents No.3 and 4 have detected the fraud being played by the petitioner in connivance with said Sh.Hind Kumar, Senior Subordinate. It is informed to the Court that disciplinary proceedings had been initiated as against Sh.Hind Kumar for giving false certificate that the writ petitioner had got actual driving experience of 75,000 kms. when actually he had got actual driving experience of 45,768 kms.

8. It is now not disputed that the writ petitioner had not completed 75,000 kms. of actual driving experience as on the date prescribed by respondent No.3 for exercising the option to the post of Chief Loco Inspector. The writ petitioner also cannot claim exemption as contemplated under Annexure A-2, as he did not fall under the category of Running Staff.

9. We also find that after issuing show cause notice, respondent No.3 has rightly reverted the writ petitioner to the post of Loco Pilot (Passenger).

10. We do not find any merit in the writ petition. Therefore, the writ petition stands dismissed.

(M. JEYAPPAUL)
JUDGE

September 3, 2015
Gulati

(DARSHAN SINGH)
JUDGE