

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Writ Petition No. : 24993 of 2019(O&M)
Date of decision : September 09, 2019**

Union of India and others

...Petitioners

Versus

Vipan Kumar and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr.Praveen Chander Goyal, Advocate – Standing counsel for
the petitioner – Union of India.

Harinder Singh Sidhu, J. :

1. This writ petition has been filed against the order dated 05.10.2018 (Annexure P-3) of the Central Administrative Tribunal, Chandigarh Bench, whereby Original Application No.60/635/2017 filed by the respondents No.1 and 2 was allowed.

2. Respondents No.1 and 2 were inducted as Mobile Booking Clerks on 16.04.1986 and 02.06.1983 respectively. Subsequently their services were dispensed with but they were re-engaged as Mobile Booking Clerks vide orders dated 30.07.1992 and 29.03.1993. Their services were terminated vide order dated 11.11.2002. They filed OA No.3079/2002 and OA No.3083 of 2002 before the Central Administrative Tribunal, Principal Bench, New Delhi for quashing the orders of their termination and praying for regularisation of their services on completion of 03 years of service.

Vide common order dated 27.02.2003 the OAs were allowed. The orders of termination were set aside. They were directed to be reinstated from the date they were disengaged, as if the termination order had never been passed. They were also held entitled to all the consequential benefits. The orders were complied with and respondents No.1 and 2 were re-engaged as Mobile Booking Clerks.

3. The Ministry of Railways conducted a Screening Test qua all the candidates awaiting regularisation. Respondents No.1 and 2 participated in the test. However, they did not qualify the said test. Vide order dated 09.02.2016 they were ordered to be reverted from the post of Mobile Booking Clerk to the post of Luggage Porter in the grade pay of Rs.1800/- w.e.f. 26.06.2015.

4. Aggrieved by the reversion they filed the OA which has been allowed vide the impugned order dated 05.10.2018.

5. Respondents No.1 and 2 relied on a decision of the Tribunal in OA No.60/221/2016 decided on 05.07.2018 'Rajwant Kaur vs. Union of India and others' wherein the Tribunal had quashed the orders reverting the petitioners therein from Booking Clerks to Commercial Clerk for failure to qualify the written test. The Tribunal in that case held that the applicant who had been working as Mobile Booking Clerk for more than 20 years without anything being adverse to her could not be reverted on the ground that she did not have the necessary qualifications or did not pass the requisite test. The case of respondents No. 1 and 2 being similar, their OA was allowed.

6. Respondents No.1 and 2 have been working as Mobile Booking Clerks for more than three decades. The learned Tribunal rightly set aside the orders for their reversion.
7. There is no illegality or infirmity in the order of the Tribunal.
8. Consequently, this petition is dismissed.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

September 09, 2019

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No