

(OJ)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 2515/98

New Delhi, this the 8th day of August, 2000

HON'BLE MR. JUSTICE V.RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

In the matter of:

1. Pragan Singh
S/o Sh. Hukam Singh,
Fitter Grade-III,
Track Supply Depot/Northern Railway,
Ghaziabad.
2. Tara Chand
S/o Sh. Dal Singh
Fitter Grade-III,
Track Supply Depot/Northern Railway,
Ghaziabad.
3. Jooha
S/o Sh. Chibani Singh,
Fitter Grade-III,
Track Supply Depot/Northern Railway,
Ghaziabad. Applicants

(By Advocate: Sh. G.D.Bhandari)

VS.

1. Union of India through
The General Manager,
Northern Railway, Baroda House,
New Delhi.
2. Chief Personnel Officer,
Northern Railway, Baroda House,
New Delhi.
3. Assistant Engineer,
Northern Railway, Baroda House,
Track Supply Depot/Ghaziabad. Respondents

(By Advocate: Sh. R.P.Agarwal)

ORDER (ORAL)

By Hon'ble Sh. V.Rajagopala Reddy, Vice Chairman (J)

The applicant was originally appointed as Khallasi at Merrut. They were promoted on ad hoc basis as Fitter Grade-III w.e.f. 17.2.83 in the pay scale of Rs.950-1500. They were transferred to the Track Depot, Ghaziabad on 4.3.85. The applicants have been working as such in the post of Fitter Grade-III on ad hoc basis till the impugned order was issued

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in 1997 reverting the applicants to the newly created post of Fitter Grade-III in the scale of Rs.950-1500 and they were regularised in the said post. The lien of the applicants was fixed in Track Depot, Ghaziabad in the above grade of Rs.950-1500. The grievance of the applicant is that they are entitled for regular promotion in the grade of Rs.1200-1800 which they had been holding since 1989 and that the order of reversion was invalid.

2. The respondents contended that as the applicants have been promoted only on ad hoc basis they were liable to be reverted to the substantive post of Khallasi. However, on creation of the post of Fitter Grade-III in the grade of Rs.950-1500 in Track Depot, Ghaziabad they had been regularised in those posts.

3. We have considered the contentions raised by the learned counsel for the applicants and the respondents. Though the order of promotion to the post of Fitter in the grade of Rs.1200-1800 was not placed on record, learned counsel for applicant concedes that the said promotion was on ad hoc basis. Prior to that promotion the applicants have been working as Khallasi in the grade of Rs.800-1150. As they were promoted only on ad hoc basis, they are liable for reversion at any time. The applicants have no right to continue on ad hoc basis in the promoted posts. Learned counsel for the applicant, however, submits that though the term ad hoc has been used against their promotion, they had been considered for promotion as per rules and they were regularly promoted to the post of Fitter in the grade of Rs.1200-1800 in 1989. This contention is refuted by counsel for the respondent. The order of transfer is not placed on record. No material is





brought to our notice to show that the promotion was made in accordance with the rules. In the absence of any such proof that the applicant had been considered alongwith other eligible persons as per rules for the post of Fitter in the higher grade, we cannot hold that the said promotion was in fact on regular basis. Learned counsel contended that the lien of the applicant could not be extended from 1985 to 1997 as at most the lien would be allowed only for three years. We do not agree. No rule is shown to this effect.

4. It is clear from the impugned order that in Ghaziabad Track Depot three new posts had been created in the lower grade of Rs.950-1500 in Fitter Grade-III. Since the applicant had been in the substantive post of Khallasi where they were drawing the scale of Rs.800-1150 the applicants should be happy to have been given higher grade of Rs.950-1500, that too on regular basis. It is now brought to our notice by the learned counsel for the applicant that all the applicants have been promoted to Fitter Grade-II in the scale of Rs.4000-6000 (revised pay scale) w.e.f. 24.8.99.

5. Learned counsel for the applicant submits that if the whole unit in Meerut has been transferred to Ghaziabad the question of continuance of the lien in substantive post of Khallasi at Meerut will not arise. No doubt it is true that in proceedings dated 29.8.97 it was stated that the whole unit of Glued Joint Section was transferred to Ghaziabad but it was also stated that the four employees among them, the applicants are three who are transferred to Ghaziabad, held their seniority at Meerut in the post of Helper Khallasi. The



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question of maintenance of the lien will only apply to the applicants as they had worked as Khallasi before their promotion at Meerut.

6. We do not find any merit in the OA. OA is, accordingly, dismissed. No costs.

(GOVINDAN S. TAMPI)
Member (A)
'sd'

Om Rajagopala
(V.RAJAGOPALA REDDY)
Vice Chairman (J)