

Original Application No. 9 of 1998

New Delhi, this the 29th day of September, 2000

Hon'ble Mr. Kuldip Singh, Member (J)
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Nand Lal Verma S/o Shri R.K. Verma
R/o E.I/10, Madangir, New Delhi.

- Applicant

(By Advocate - Shri R.L. Sethi)

Versus

Union of India through

1. The Secretary,
Railway Board,
Rail Bhawan,
New Delhi-110 001.

2. The Divisional Railway Manager,
Central Railway, Jhansi,
U.P.

- Respondents

(By Advocate - None)

ORDER

By Hon'ble Mr. Kuldip Singh, Member (J)

In this OA the applicant has challenged his reversion order which is at Annexure A-1, according to which, the applicant, who was holding the post of Typist on ad hoc basis was reverted back to the post of Khalasi as a regular incumbent has been appointed to a Pin-Pointed post against which the applicant was appointed.

2. Applicant further claims that he was initially appointed as C&W Khalasi and he appeared in a selection test for the post of Typist and qualified written and typing test and thereafter he was promoted to the post of Typist but on ad hoc and trial basis since the applicant had exceeded the prescribed quota of promotion from departmental candidates.

h

22

3. It is further pleaded that the applicant is continuing on the said post for the last 10 years so he should have been at least given three opportunities to qualify the written and typing test and he should be regularised. As such he has prayed for quashing of the impugned order and has also prayed that he should be allowed to continue in service with status-quo ante w.e.f. 1.12.1997.

4. The respondents are contesting the O.A. They stated that though the applicant had appeared for selection for the post of Jr. Typist from Class-IV category but he was not put in the panel of selected candidates. He was put to officiate as Jr. Typist purely on ad hoc basis vide Office Order dated 28.7.88.

5. It is further submitted that as soon as the regular candidate became available he was appointed to the post which was held by the applicant on ad hoc basis and as such the applicant is liable to be reverted back to his substantive post. It is denied that the applicant has ever qualified the selection since his name was never kept in the panel of selected candidates.

6. We have heard the learned counsel for the applicant. No one came to argue on behalf of the respondents. However, we have gone through the reply filed by the respondents, which is on file.

h

7. The main plea of the applicant is that since he has qualified the test but his number could not come within the prescribed quota as he was in excess of the departmental candidates but he was asked to hold the post on ad hoc and trial basis, which he has held for quite a long period, so he cannot be reverted back and he should have been given at least three opportunities before being reverted back.

24

8. From a perusal of the OA we find that the applicant is basing his claim that, as if had duly qualified the written and typing test for the post of Jr. Typist under the quota of departmental candidates but the respondents in their reply have altogether denied that the applicant had ever been put in the panel of selected candidates. The applicant is also unable to point out from the record that in the panel of which year he has been selected, rather it is his own case that since he outnumbered the departmental candidates and he was in the excess of the prescribed quota, so his name could not be put in the panel, which means that the applicant had never been selected and empanelled for the post of Typist and that is why he has continued to work as Typist on purely ad hoc basis. Now that since he is being reverted only with a view to make room for the regularly selected candidate, so the applicant cannot claim any right to continue to hold the post of Typist as ad hoc employee has always to make room for the regularly selected candidates.

k

9. In view of the above, we find no merit in the OA and the same is dismissed. No costs.

S. H. Teh Rizvi

(S.A.T. Rizvi)
Member (A)

Kuldip Singh
(Kuldip Singh)
Member (J)

25

/Rakesh/