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Central Administrative Tribunal
Principal Bench: New Delhi

OA 2101/95

New Delhi, this the 23rd day of April, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri S.P.Biswas, Member (A)

G.L.Cupta,
c/o Sh. Madan Lal Cupta,
R/o 268-A, Railway Colony,
Rawari (Haryana).Applicant
(By Advocate Shri Yogesh Sharma proxy
for Sh. VP Sharma)

Versus

1. Union of India through
The General Manager,
Northern Railway, Baroda House,
New Delhi.
 2. The Divisional Railway Manager,
Northern Railway, Baroda House,
New Delhi
 3. The Chief Personnel Officer,
Northern Railway, Baroda House,
New Delhi.
- ..Respondents
(By Advocate Shri B.S.Jain)

O R D E R (Oral)
(Hon'ble Dr. Jose P. Verghese, Vice-Chairman)

1. Learned counsel for the petitioner stated that the petitioner has been officiating as Head Master since 1992 but he was unable to produce any written order directing the petitioner to officiate as Head Master. He had only shown an order by which previous incumbent was directed to hand over the charge to the petitioner. He also showed an order dated 8.2.1994 (Annexure A/13) by which officiating allowance has also been given to him. In the circumstances, petitioner is claiming officiating allowance till to date on the ground that he is

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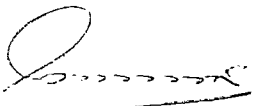
holding the post in the same capacity. He has not been able to show any document to substantiate the said position and the respondents also are denying that he has ever been asked to officiate in the post.

2. The next contention of the petitioner is that the respondents should be directed to promote him to the post of Headmaster. We are unable to give any direction to the respondents, except to direct that the petitioner being the seniormost teacher, he shall be considered when the post of Headmaster in the concerned school is filled up in accordance with the rules. A direction is also being issued to the respondents to consider to make the payment of officiating allowance to the applicant for the period he has been looking after the duties of the post till the post of Headmaster is regularly filled up.

3. Learned counsel for the respondents states that the petitioner was formally asked to officiate only during the period from 24.10.1992 to 31.12.1993. It is seen from the record that thereafter the petitioner is continuing in the post without any order and it is also noticed that the said school is continuing without any Headmaster and leaving it on the mercy of the teachers who are working there for the last five years and the petitioner being the seniormost has been looking after the post in the circumstances. It is in the interest of justice that the respondents should

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consider his candidature for the post of Headmaster on an ad hoc basis, till the regular incumbent is appointed according to Rules, for the very fact that he has been continuously looking after the duties of the said post for the last six years in the absence of any appropriate order from the respondents. Our directions shall not be treated as a precedent. The respondents may consider to promote the petitioner on a temporary or on adhoc basis in the special circumstances of the case until the regular incumbent is appointed in accordance with rules.



(S.P. Biswas)

Member (A)



(Dr. Jose P. Verghese)

Vice-Chairman (J)