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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1362/96

New Delhi this the 9th day of September, 1997.

Hon'ble Mr. S.R. Adige, Vice-Chairman (A)
Hon'ble Dr. A. Vedavalli, Member (J)

K.P. Singh,
S/o Shri Mohan Singh,
R/o Kothi No.4-A/1, Railway Road,
Ghaziabad.Applicant

(By Advocate Shri G.S. Beqrar)

-Versus-

1. The Union of India, through
the General Manager,
Northern Railoway, Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Paharganj,
New Delhi.
3. The Station Supdt.,
Northern Railway,
Ghaziabad.Respondents

(By Advocate Shri R.L. Dhawan)

O R D E R (ORAL)

Hon'ble Mr. S.R. Adige, Vice-Chairman(A):-

Applicant is aggrieved by the order dated 15.3.96, reverting him from the post of Assistant Yard Master to his substantive post.

2. We have heard Shri Beqrar for the applicant and Shri Dhawan for the respondents.
3. After obtaining the consent of the applicant to work as Yard Master (this should perhaps read as Asstt. Yard Master) on ad hoc basis on 15.07.87 (Annexure A-2), applicant, who was a substantive

Assistant Station Master, was promoted as Assistant Yard Master on purely ad hoc basis vide order dated 6.8.87 (Annexure R-2). The said order expressly stated that the promotion was being made on purely temporary and ad hoc basis pending selection, which would not bestow upon applicant any right to seek permanent absorption as Assistant Station Master or claim any benefit of seniority over his seniors.

4. Applicant appeared in the written test for selection for regular appointment as Assistant Yard Master, and from respondents' letter dated 29.9.96, a copy of which is taken on record, we find that applicant did not qualify for being called for the viva voce test. Accordingly, those who were successful in the written test and the viva voce were empanelled by respondents' order dated 15.3.96, and as applicant has not qualified in the written test to be called for the viva voce he was reverted to his substantive post by the said order.

5. Applicant has contended that he had been deputed for refresher training course at the Zonal Training School, Chandausi and he had passed the said course which was more difficult than the written examination and interview, and on that basis could not have been reverted. It is not denied that the selection which the respondents undertook

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for making regular promotions to the posts of Assistant Yard Master, was in accordance with the prescribed rules and regulations, in which the applicant participated and unfortunately was not successful in the written test. Under the circumstances, any other course in which the applicant participated and was successful cannot be considered as a substitute for regular selections that were held.

6. Applicant's counsel has also invited our attention to the C.A.T. (P.B.) judgement in OA-262/86 decided on 10.6.87 - Satnam Singh vs. Union of India, reproduced in ATR 1988 (1) CAT 596, wherein a reference has been made to the Tribunal's earlier order in K.N. Misra vs. Union of India (AIR 1986 (2) CAT 270). It has been laid down that the benefit of the long period of service would accrue to all promotees who continuously officiated against long term vacancies and that the continuous period of officiation would have to be reckoned for determining seniority. However, in the light of Piara Singh vs. State of Haryana (AIR 1992 SC 2130) wherein it has been unequivocally laid down that ad hoc appointees would have to make way for regular selectees, and applicant was undisputedly not successful in the regular selection, the judgement in Satnam Singh's case (supra) relied upon by the applicant's counsel does not help applicant.

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7. Applicant has also urged that the respondents did not serve the reversion order to him, on the date they claimed to have done so, and the affidavits filed by them to that extent are false and incorrect. The question for adjudication is whether applicant has an enforceable legal right not to be reverted and to continue on the post to which he had been appointed on ad hoc basis. In the light of what we have stated above, this question has to be answered in the negative, namely, that the applicant has no enforceable right not to be reverted and to be regularised against the post to which he had been appointed on ad hoc basis.

8. However, if in future, any ad hoc vacancies do arise, to which applicant by his qualifications and experience is eligible, upon a representation made by him to the respondents, they should consider the same in accordance with the relevant rules and instructions.

9. Subject to the above, the O.A. stands disposed of. No costs.

Alfred Nalin
(Dr. A. Vedavalli)

Member (J)

Adige
(S.R. Adige)
Vice-Chairman (A)

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