

Central Administrative Tribunal
Principal Bench: New Delhi.

CP-183/2000 In
OA- 15/97

(AD)

New Delhi this the 1st day of September 2000

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)
Hon'ble Mr. Govindan S. Tampi Member (A)

Gurpreet Singh,
S/o Shri Waryan Singh
Ad hoc Inspector Works,
Northern Railway,
Patiala, Punjab.

2. Arun Kumar,
S/o Shri Ram Singh,
Ad hoc Inspector Works,
under Dy.C.C. Chandigarh. ...Petitioners

(By Advocate: Shri B.S. Mainee)

Versus

1. Shri S.P. Mehta,
General Manager,
Northern Railway,
New Delhi.
2. Shri G.R. Ujlayan,
Chief Administrative Officer,
Northern Railway, Kashmere Gate,
Delhi.
3. Shri Vijay Kumar
Divisional Railway Manager,
Northern Railway,
Ambala Cantt.
4. Shri K.K. Agarwal,
The Dy. Chief Engineer (Constrn.),
Northern Railway, Chandigarh.
5. Shri Nirmal Singh
The Sr. Civil Engineer (Constrn.),
Northern Railway,
Ludhiana, Punjab. ...Respondents

(By Advocate: Mrs. Meera Chhibber)

ORDER (Oral)

By Mr. Justice V. Rajagopala Reddy, VC (J)

Heard the counsel for the petitioners and
the respondents.

2. The direction given by the Tribunal in the
OA was to review the panel which was impugned in the

(CR)

(A)

OA and consider inclusion of names of the applicants in the OA. It was also directed that in the event of anybody having to go out of the panel as a result of this process his objections can be considered before final orders are passed. Four months' time was stipulated for implementation of this direction. The present C.P. was filed complaining that in spite of this direction, the respondents have once again failed the petitioners in the viva-voce.

3. The respondents filed a compliance affidavit stating that in accordance with the directions given by the Tribunal, petitioners were considered, whereas they were not found up to the mark, they were not recommended. They could not obtain the qualifying total marks of 60% as required by the statutory rules. Learned counsel for the respondents submits that the petitioners are not entitled per se to be promoted in view of the directions given by the Tribunal without obtaining necessary marks in the viva voce.

4. When the matter was considered on the last occasion, the respondents' counsel had taken time for consideration of the case of the petitioners and it is now stated that in accordance with the directions of the Tribunal, the affected persons were issued notices as they had to go out of the panel in view of the decision taken by the respondents to include the petitioners in the panel for promotion.

5. Learned counsel for petitioners submits that the respondents have now taken steps after a period of one year to implement the order. Though they were

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directed to implement the order within four months from the date of the order i.e. 23.9.99. (A2)

6. It is no doubt true that the respondents have taken about one year for implementation of the order. In fact, the respondents had initially failed the petitioners in the interview which action was faulted by the Tribunal in the OA and once it was found that the respondents cannot fail the petitioners in the *viva voce* as they have been working on ad hoc basis and in view of the Circular dated 19.3.76, ad hoc employees are entitled to be promoted without screening further in the interview. The respondents again committed the same fault after the order was passed. After the CP was filed, the respondents had now after considerable period have taken the steps for implementation of the order.

7. In the circumstances, we are of the view that the respondents were not *seriously* ^{since} implementing the order. ~~Though~~ Since the respondents have now issued the order as directed by the Tribunal, we close this C.P. by levying a cost of Rs. 1000/- (Rs. One thousand only) ^{on} to the respondents. Notices are discharged.

(Govindar S. Tampi)
Member (A)

cc.

Om Rajagopal Reddy
(V. Rajagopal Reddy)
Vice-Chairman (J)