

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

...

O.A.No.922 of 1994

New Delhi, this 11th day of March, 1999.

(12)

HON'BLE MR. JUSTICE S. VENKATRAMAN, VICE CHAIRMAN (J)
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

M.L. Rampal
R/o Kothi No.33, Pocket H
Sarita Vihar
Delhi.

... Applicant

By Advocate: Shri B.S. Maine

versus

Union of India through

1. The General Manager
Northern Railway
Baroda House
New Delhi.

2. The Divisional Railway Manager
Northern Railway
Moradabad.

... Respondents

By Advocate: None.

O R D E R (ORAL)

HON'BLE MR. JUSTICE S. VENKATRAMAN, VC (J)

The applicant who had been promoted on ad hoc basis to the higher scale of Rs.550-750/Rs.1600-1625 as per order dated 27.7.1984, is aggrieved by the order of his reversion (Annexure A-1) as well as order dated 14.12.1993 rejecting his appeal (Annexure A-2). The applicant was promoted to the higher grade on ad hoc basis with a clear understanding that if he fails to pass P-16 Course he will be liable for reversion forthwith. It is not disputed that the applicant who was deputed for that Course could not complete that Course and the impugned order of reversion was passed in 1991. The applicant's case is that though he

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was deputed for that Course only in 1988, he could not complete it because he was struck with Paralysis and that subsequently in 1991 when he was again deputed, ^{he} went back with the permission of the authorities to visit his family members where he suffered a heart attack. It is contended as the applicant had already put in more than seven years of service and as he had been given ad hoc promotion on the basis of his seniority and suitability, the Department could not have reverted him. We do not want to go into the reasons why the applicant did not complete the Course. But the fact remains that the applicant had been promoted on ad hoc basis and he has no right to hold that post merely because he had continued in that post till 1991, though the relevant instructions did not contemplate such continuance, that could not give any right to the applicant to hold that post. We do not find any illegality in the order of reversion.

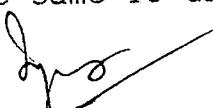
Learned counsel for the applicant submitted that in the application it has been stated that in accordance with the Railway Board's instructions three chances have to be given to the Government servant to pass the Course and unless those chances are exhausted, no order of reversion could be passed. But those instructions are not made available. It is true that the Railways have not filed their reply within the given time and the reply has been filed subsequently, but without seeking permission to file the same. Be that as it may, merely because it is stated that ~~the~~ some instructions have been given by the Railway Board, an ad hoc employee cannot claim right to hold the

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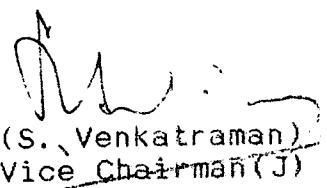
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post and he cannot challenge the reversion if he is reverted on the ground that he has failed to pass the Course. In fact in this case, Annexure A-2 produced by the applicant shows that the appellate authority has stated that the applicant had not passed the Course though he was deputed for that Course several times and the applicant avoided to attend the Course on one pretext or the other. That apart, in the order of his ad hoc promotion it has been clearly stated that if the applicant fails to clear the P-16 Course in the first attempt he would be liable for reversion. As such, the applicant cannot claim that he ~~should~~ would have been given more chance or challenge the order of reversion on the ground that he was not given sufficient chance.

3. For the above reasons, this application fails and the same is dismissed. No costs.


(K. Muthukumar)
Member (A)

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(S. Venkatraman)
Vice Chairman (J)