

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

...
O.A.2433 of 1989

Dated New Delhi, this the 12th day of May, 1994

Hon'ble Shri J. P. Sharma, Member (J)
Hon'ble Shri B. K. Singh, Member (A)

Shri Pawan Kumar
S/o Shri Dhanraj
Cabinman
Northern Railway
Hissar (Haryana)

... Applicant

By Advocate: Shri V. P. Sharma

VERSUS

1. Union of India, Through
The General Manager
Northern Railway
Baroda House
NEW DELHI

2. The Divisional Railway Manager
Northern Railway
BIKANER

3. The Station Supdt
Northern Railway
Hissar (Haryana)

... Respondents

By Advocate: Shri B. K. Aggarwal

O R D E R (Oral)

Shri J. P. Sharma, M(J)

The applicant was confirmed as Pointman in the

Railways on 8.12.78. The Assistant Superintendent

vide order dated 3.5.84 promoted the applicant as

Cabinman in the Scale of Rs.260-400 on adhoc basis.

The applicant continued on that post on adhoc basis.

The respondents undertook a selection for the post

of Cabinman and invited application from eligible

candidates. The applicant, however, did not apply

for that selection. The staff who applied for the said

post were called for written test held on 15.7.85.

Another selection for the post of Cabinman was held

in 1987-88. The applicant took the selection but he

could not make grade and was not empanelled. He was

reverted vide order dated 17.8.89. However, vide order dated 12.12.89, an interim order was issued to the respondents to maintain the status-quo as on that date. Vide order dated 9.2.90, the interim order was made absolute.

2. The applicant has prayed for the grant of relief that the order of reversion dated 17.8.89 and the selection list dated 28.7.89 be quashed.

3. A notice was issued to the respondents who contested the application and stated that the order of reversion was not punitive and since the applicant did not qualify ⁱⁿ the selection, he was reverted.

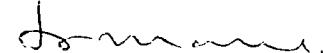
4. Shri V. P. Sharma appears as counsel for the applicant and Shri B. K. Aggarwal for the respondents.

5. We have heard the learned counsel for the applicant and gone through the pleadings. His contention that the applicant was promoted on adhoc basis would by itself culminate into regularisation on the basis of Cabinman, cannot be accepted. For promotion to Class-III post, one has to clear the hurdle of selection and any number of years of adhoc service, would not, by itself be sufficient to give him regularisation in his appointment on the promotional post. Full Bench has considered the case in the case of Jethanand & Ors. versus U.O.I & ors. (PB, New Delhi), 1989(2) SLJ.657(CAT). The contention of the learned counsel that the

applicant should not have been reverted after 18 months of service on the promotional post, cannot be accepted. The case is fully covered by the ratio of Jethanand's case.

6. In view of this, we find that the application is devoid of merit and is dismissed accordingly. No costs. Interim order granted, is vacated.


(B. K. Singh)
Member (A)


(J. P. Sharma)
Member (J)

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