

8

Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No.1530/88

3rd day of November, 1993.

Shri J.P. Sharma, Member (Judl.)

Shri B.K. Singh, Member (A)

Shri Roop Singh,
Driver 'C', Northern Rly.,
Rewari. (Haryana)

Applicant

By Advocate Shri V.P. Sharma
Versus

1. Union of India through
The General Manager, Northern Rly.
Baroda House, New Delhi.
2. The Divisional Railway Manager
Northern Railway, Bikaner.
3. The Loco Foreman,
Northern Railway,
Rewari-123401.

Respondents

By Advocate Shri P.S. Mahendru

ORDER (Oral)

Shri J.P. Sharma

The applicant was working as Driver 'C' at Rewari Northern Railway, at the time of filing this application on 17.8.1988. He has assailed the order dated 27.5.1988 passed by the D.P.O., Northern Railway (Annexure A-1) on the ground that he was promoted to the post of Shunter and was sent for P-17-A Course at Zonal Training Course, Chandausi for Driver's training and thereafter, he was promoted as Driver 'C' on ad hoc basis by the order dated 16.12.1986. His contention is that the post of Driver 'C' in the grade of Rs.1320-2200 is not a selection post and the respondents have conducted the selection while they should have filled up the post on the basis of seniority-cum-suitability and not on merits.

....2..

le

The respondents held the selection by the order dated 19.3.1986 and he was not selected, hence reverted by the order dated 27.5.1988, which is impugned in this case.

2. He has prayed for the grant of the reliefs that the impugned order be quashed and the applicant be not reverted to his substantive post. The applicant has also prayed for certain consequential reliefs in sub-paras (a), (b), (c), (d) and (e) of para.9 ii).

3. A notice was issued to the respondents, who contested the application and in their reply, stated that the post of Driver 'C' has been a selection post which was duly confirmed by the Railway Board in its letter dated 21.2.1983. A copy of the said letter is annexed to the counter as Annexure R-1. The applicant has not filed any rejoinder to rebut the averments made by the respondents in their reply. There is no other document on record to show that the promotion to the post of Driver 'C' is only on the basis of seniority-cum-suitability. The averment made in the O.A. and highlighted by the learned counsel during the course of the arguments that the applicant has undergone P-17-A Course at the Zonal Training School, Chandausi, gave him a right to hold the post cannot be accepted de hors the instructions issued by the Railway Board, which has got the statutory force.

Je

....3..

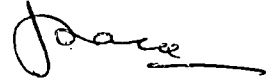
10.

4. In view of this, no further probe into the matter is required. The order impugned in this case does not need any interference.

5. The application is, therefore, devoid of merit and is dismissed, leaving the parties to bear their own costs.



(B.K. Singh)
Member(A)



(J.P. Sharma) 3/11/93
Member(J)

SLP