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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O. A. NO. 1539/88

New Delhi this the 19th day of January, 1994

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Surinder Prakash Sharma
S/O Shri P. L. Sharma,
R/O R.B. -1, Mode B,
East Railway Colony,
Bellabagh, Faridabad.

... Applicant

By Advocate Shri Sarvesh Bisaria for Shri
S. K. Bisaria

Versus

1. Union of India through
Secretary, Ministry of
Railways, Rail Bhawan,
New Delhi.

2. General Manager,
Central Railway,
V.T., Bombay.

3. Divisional Railway Manager,
Central Railway,
Jhansi. ... Respondents

By Advocate Shri H. K. Gangwani

O R D E R (ORAL)

Hon'ble Mr. Justice V. S. Malimath --

The grievance of the petitioner in this case is that he having been promoted by Annexure-I dated 9.10.1986 as a Trains Clerk and continued to officiate in that capacity for nearly 20 months, was wrongly reverted by the order dated 22.5.1988. Learned counsel for the petitioner relies upon the provision which speaks of confirmation and says that the petitioner was entitled to the benefit of the said provision. The same is extracted in paragraph 6

of the application. That speaks of the cases where regular promotions are made and being reviewed after completion of one year's continuous officiation, even if a permanent vacancy does not exist, for the purpose of according confirmation. In this case, it is clear that the petitioner was not regularly promoted at all as is clear from the order of promotion Annexure-I. The order states that the petitioner is required to officiate as Trains Clerk until a permanent hand is posted. It is further made clear that this is purely a temporary arrangement until arrangements are made for filling up the post from DRM JHS's Office. A regular incumbent was ultimately posted and the petitioner was asked to vacate the post. As there was no regular promotion of the petitioner, his giving way to the regular incumbent cannot be regarded as having the effect of punishing the petitioner or depriving him of his legitimate right. The respondents have stated that the post is required to be filled up on regular basis by selection and that the petitioner was never selected and promoted. It was only a temporary arrangement pending posting of a regular incumbent. That a vacancy existed at another place is no good ground for impugning reversion of the petitioner as in the first instance, he has not been regularly promoted by the process of selection in accordance with the relevant provisions.

2. We, therefore, see no good grounds to interfere
and this application is accordingly dismissed.

No costs.



S. R. Adige
(S. R. Adige)
Member (A)

V. S. Malimath
(V. S. Malimath)
Chairman

/as/