

(15)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

OA.No.539 of 1986.

New Delhi, dated this the 24th day of May, 1994.

Shri N.V. Krishnan, Hon. Vice Chairman 'A'

Shri C.J. Roy, Hon. Member 'J'.

Shri Pooran Lal,
S/o Shri Karan Singh,
R/o B-154, Pandav Nagar,
Patparganj Road,
Delhi 110 092.

...Applicant

By Advocate: Shri Jai Gupta.

versus

Union of India through

1. General Manager,
Northern Railway,
Headquarters Office,
Baroda House,
New Delhi.

2. Chief Public Relations Officer,
Northern Railway,
State Entry Road,
New Delhi.

3. The Secretary,
Railway Board,
Ministry of Railways,
Rail Bhavan,
New Delhi.

...Respondents

By Advocate: Shri Jagjit Singh though did not appear.

O R D E R (Oral)

By Hon. Vice Chairman Shri N.V. Krishnan.

The applicant is a Scheduled Caste candidate working under the respondents. He states that he was promoted by the Annexure R-2 order dated 20.12.84, wherein, it is stated that the applicant a Senior Clerk has been promoted as Publicity Inspector on adhoc basis for a period of six months inservice training and that the working report should be submitted on completion of six

...2...

months. However, the applicant was reverted by the order dated 15.11.85, which is at page 15 of the paper book. Being aggrieved by this order, this OA has been filed for quashing the impugned order and to reinstate him in the post of Publicity Inspector.

2. We have heard the learned counsel for the applicant. It is stated that in accordance with the procedure laid down, an examination was conducted for selection to five posts of Publicity Inspector, including two posts reserved for Scheduled Caste. The applicant also participated and passed the written test and qualified for the viva voce vide order dated 13.3.84. The final results of the examination were notified on 10.5.84 (Annex R-1), which states that three employees are placed on the panel of Publicity Inspector Grade 425-640(RS). Out of these three candidates, Shri Tega Singh belongs to Scheduled Caste.

3. The learned counsel submits that the Railway Board has issued standing orders at Annexure R-3, which are meant to impart inservice training to the candidates, who are below standard. Paras 1 and 2 of that order read as follows:-

"....

While filling the posts on promotion, however, candidates of these communities should be judged in a sympathetic manner and arrangements made where necessary, to give to such staff, additional training and coaching, to bring them up to the standard of others.

...3...

2. The matter has been further considered by the Board and it has been decided that if, during the selection proceedings it is found, that the requisite number of SC & ST candidates are not available for being placed on the panel inspite of the various relaxations, already granted, the best among them ie. who secure the highest marks, should be earmarked for being placed on the panel to the extent vacancies have been reserved in their favour. The panel extending their names of such persons may also be declared provisionally. Thereafter, the SC & ST candidates who have been so earmarked may be promoted ad hoc for a period of six months against the vacancies reserved for them. During the said six months' period, the Administration should give them all facilities for improving their knowledge and coming up to the requisite standard, if necessary by organising special coaching classes. At the end of the six month's period, a special report should be obtained on the working of these candidates and the case put up by the Department concerned to the General Manager through S.P.O.'RP' for a review. The continuance of the SC & ST candidates in the higher grades would depend upon this review. If the candidates are found to have come to the requisite standard, their names would be included in the panel and the same finalised; otherwise their names should not be included in the panel and the vacancies de-reserved and filled in the usual manner by candidates from other communities."

4. It is stated that in pursuance of that order that the applicant was given adhoc promotion by the Annexure R-2 order for a period of six months and according to him, he should have been regularised in view of these order of the Railway Board. Instead, he has been arbitrarily reverted by the order dated 15.11.85.

5. The respondents have filed a reply. The facts are not in dispute. It is stated that the applicant was given ad hoc promotion in terms of the Annexure R-3 order of the Railway Board. His performance was reviewed after

six months. The working report of the applicant was obtained from the Branch Officer and the case was put up to the competent authority for review of his performance, who passed an order that the applicant should be reverted immediately. It is, thus, clear, that the reversion follows the unsatisfactory performance of the applicant during the period of six months, when he was tried.

6. In the circumstances, we are of the view that the services of the applicant was not reverted arbitrarily. His performance has been considered and reverted in accordance with the extant rules and instructions. We see no merit in the OA. The OA is dismissed.

No costs.

jsm
(C.J. ROY)

MEMBER(J)

/kam/

nvk
24/8/84
(N.V.KRISHNAN)
VICE CHAIRMAN(A)