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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL, NEW DELHI

O.A. No.21 of 1990

this 5th day of August, 1994

Hon'ble Mr. Justice D.L. Mehta, Vice Chairman (J)
Hon'ble Mr. B.K. Singh, Member (A)

S.R. Meena,
Office Superintendent Gr.II
Signal & Telecom Branch,
D.R.M. Office, Central Railway,
Jhansi.

..... applicant

By Advocate: Shri K.N.R. Pillai

VERSUS

Union of India, through:

1. The Secretary,
Ministry of Railways,
New Delhi.
2. The Divisional Railway Manager,
Central Railway,
Jhansi.
3. Govind Dass Jaiswal,
R/o 809, Gwalteli,
Civil Lines,
Jhansi.

..... Respondents

By Advocate: Shri H.K. Gangwani

O R D E R (Oral)

(Hon'ble Mr. Justice D.L. Mehta)

The applicant referred this application before this Tribunal being aggrieved by the order placed at annexure 'A' of the paper-book and prayed that direction be issued to the respondents to consider his case after every six months of ad hoc/officiating service for the purpose of regularisation and he should be considered also for promotion and other consequential benefits. A prayer has

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also been made that he should be given substantive grade from the date on which he became entitled for the same.

2. Brief facts of the case are that the applicant was promoted to the post of ^{meant for ST,} Sr. Clerk in the scale of Rs.330-560 by letter dated 17.11.83 w.e.f. 31.3.93. The applicant belongs to Scheduled Tribes and since there was backlog of reserved vacancies in the post of Head Clerk in the grade of Rs.425-700, he was promoted as Head Clerk on proforma basis w.e.f. 1.10.83. The case of the applicant is that subsequent to that promotion he was not called for the selection test for the post of Chief Clerk in the scale of Rs.550-750 (now redesignated as Assistant Superintendent). His further case is that he was promoted on ad hoc basis as Chief Clerk in the scale of Rs.550-750 on 19.1.1985.

3. The learned counsel for the applicant has cited before us the decision of the Full Bench of this Tribunal Calcutta Bench, in OA No.854/90, Durga Charan Halder & Ors Vs. Union of India and some other cases. The principle laid down has been accepted also by the Hon'ble Supreme Court by not entertaining appeals filed against the similar judgements of other Benches.

4. As a matter of principle, it has been decided that for the purpose of seniority the date of entry in a particular grade will be more relevant and shall be considered ordinarily as the date on which he enters in a particular grade, relevant for the purpose of seniority. Clause 10.2(c) of the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Railway Services provides that those SC/ST candidates who are found suitable after six months' ad hoc promotion need not be

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subjected to further selection/suitability tests. On their empanelment they should be assigned position on the panel below those who had already been empanelled (Railway's letter No.81-E(SCT)15/60 dated 22.12.1981). provisionally. / However, there is clause 10.2(e) with further directions that the cases of SC/ST candidates promoted on ad hoc basis for six months, as mentioned above, should be reviewed in case of Group 'D' (class IV) and Group 'C' (class III) by the authority competent to approve the panel based on their working report for six months. If the competent authority is satisfied that the candidates have come up to the requisite standard, their names should be included in the final panel. This provision is contained in letter No. E(SCT)74 CM 15/34 dated 12th August, 1976.

5. We direct that the benefit of the letter dated 12th August 1976, referred to above, should be extended to the applicant. It is further directed that the respondents should also consider the date of the entry of the applicant in the grade for the purpose of counting the seniority and the respondents should also consider the matter of regularisation ~~magix~~, in the light of the above circulars within three months from the date of receipt of a copy of this order.

5. With the foregoing directions the OA stands disposed of but without any order as to costs.

(B.K. Singh)
Member (A)

(D.L. Mehta)
Vice Chairman (J)