

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.
OA.No.1545/91

Dated this the 11th of July, 1995

Hon. Shri S.R. Adige, Member(A)
Hon. Dr. A. Vedavalli, Member(J)

Laxmi Narayan
S/o Gangaram Ji
R/o Shiv Colony
(Backside of Loco)
Shiv Mandir,
Rewadi, Distt Mahendragarh.
Khalasi- C/o Station Suptd.(NR) Rewadi ...Applicant

Advocate: Shri V.P.Sharma by Shri M.K.Gaur.

versus

1. Union of India
through General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Bikaner (Raj.)
3. The Divisional Personnel Officer,
Northern Railway,
Bikaner(Rajasthan). ...Respondents

Advocate: Shri H.K. Gangwani.

O R D E R (Oral)

In this application, Shri Laxmi Narain has prayed for a direction to the respondents to give him ad hoc promotion on the post of Ticket Collector and to give him equal treatment with his juniors.

2. The applicant who belong to the Scheduled Caste category contends that a written test in respect of selection for the post of Ticket Collector against Class-IV promotees quota was held and the result of the successful candidates was declared on 14.12.82, wherein, the applicant was also declared successful. He states that he was called for viva voce test also but no result was communicated to him in respect of the said viva voce test and it is not known, whether or not, the applicant has secured the qualifying marks in

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the said test. The applicant feels that he had ^{not} failed quite well in the interview held by the selection board, but in spite of that, his name did not find place in the panel of selected candidates. He states that writ petitions were filed before the Rajasthan High Court by various persons challenging the validity of the aforesaid selection, and earlier, ^{the} Court had stayed the declaration of the panel but later on, the stay was modified and the panel was allowed to be declared. However, the promotions of the selected candidates was stayed. Still later, in order that the official work may not suffer, the Hon'ble High Court permitted the Administration to make ad hoc promotions and it was directed that if ad hoc promotions are given, even the failed candidates may also be considered. Accordingly, ad hoc promotions were given to various persons including those who had failed in the written test as well as who had passed the written test but failed in the viva voce test.

3. After the setting up of the Tribunal, the aforesaid writ petitions were transferred to the C.A.T. ^{at Bench} Jodhpur and was thereafter transferred to the Principal Bench of the Tribunal.

4. The respondents in their reply have challenged the contents of the OA and have denied the averments that the Rajasthan High Court has passed an order to make ad hoc promotions of those candidates who have failed in the selection. They point out that the application is hopelessly barred by limitation and on that point, this has to be dismissed. They also state that as a result of the selection, the

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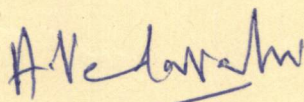
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requisite number of scheduled caste candidates were empanelled for the post of Ticket Collector against the reserved quota, but the applicant, though he cleared the written test and was called for the viva voce test, could not find place in the panel. Hence his adhoc promotion does not arise. They further state that the applicant has no automatic channel of promotion to the category of Ticket Collector and he has no enforceable right to such adhoc promotion.

5. The averments made by the respondents in their reply have not been denied by the applicant in any rejoinder.

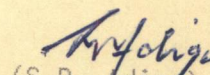
6. It is well settled that no employee has an enforceable right to be promoted, ~~even~~ ^{much} ~~less~~ ^{less} to be promoted on adhoc basis. He has only a right to be considered for promotion, and in the present case, the applicant was considered, but could not find place in the panel of successful candidates.

7. In the result, we are unable to grant the relief prayed for by the applicant. This OA fails and is therefore dismissed. No costs.



(Dr. A. Vedavalli)
Member(J)

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(S.R. Adiga)
Member(A)