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CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench
New Delhi

O.A. No. 963 of 1991 Date of Decision: 29.9.1995

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri Soni Singh,
S/o Shri Kalli,
Booking Clerk,
Railway Station,
Mansa (Punjab)
(None appeared)

.... APPLICANT

VERSUS

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.

.... RESPONDENTS

(None appeared)

ORDER (ORAL)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this application, Shri Soni Singh has impugned the order dated 12.4.91 (Ann.1) reverting him to Group 'D' post of waterman grade Rs.750-940 and has prayed for his reinstatement to the post of Booking Clerk, Grade Rs.975-1540 with all consequential benefits.

2. None appeared for the applicant or for the respondents when the case was called out although we waited till 3.00 p.m. to-day. As this is an old case, we are proceeding to dispose it off on the basis of the materials on record.

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3. Shortly stated the applicant was working as a Booking Clerk on ad hoc basis at Mansa Railway Station from 1.4.80. There are four posts of the booking staff at that station as per details given below:

One post Rs. 1600 - 2600

Two posts Rs. 1400 - 2300

One post Rs. 975 - 1540

4. The applicant was working against the Rs.975 - 1540 post. Consequent to the impending retirement w.e.f. 31.3.90 of the booking Supervisor working against Rs.1600 - 2600 post, one Shri C.P. Garg was transferred from another station to fill up that post by order dated 25.4.90 about three weeks in advance to facilitate the taking over of charge. During the period overlap the applicant appears to have been asked by the Station Supdt. to proceed on leave, on the assurance that thereafter he would be taken back on duty, but instead one Shri Ram Milan another waterman working at that station was posted as Booking Clerk (Rs.975 - 1540). The applicant thereupon filed OA 1334/90 praying for a direction to be allowed to rejoin his duty at Mansa Railway Station as Booking Clerk. The O.A. was allowed by judgment dated 31.8.90 and the Respondents were directed to repost the applicant as Booking Clerk (Rs.975 - 1540) on ad hoc basis at Mansa ^{Railway} Station with immediate effect.

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5. The applicant admits that he rejoined as Booking Clerk on 12.10.90 (para 2 of rejoinder) but was again relieved on 31.1.91. The respondents contend that pursuant to the Tribunal's order dated 31.8.90 they issued order dated 12.10.90 reposting the applicant as ad hoc booking clerk at Mansa Railway Station, but made it clear that this ad hoc arrangement would continue only till such time as the permanent incumbent Shri C.P. Garg already posted vide their office order dated 25.4.90 from Kaithal ^{was} resumed duty at Mansa. Upon Shri Garg assuming charge of the post of Booking Supervisor at Mansa (Rs.1600 - 2600) on 23.1.91 the ad hoc arrangement whereby the applicant was looking after the duties of booking clerk was discontinued on 31.1.91.

6. It is well settled that an ad hoc promotion is essentially a stop gap arrangement made in the public and administrative interest so that work is not hampered pending the making of regular arrangement. It gives no employee an enforceable legal right to claim continuance of such ad hoc promotion, if the competent authority concludes that the administrative interest no longer warrants its continuance. Under the circumstances, if upon Shri Garg's joining as Booking Supervisor (Rs.1600 - 2600) w.e.f. 23.1.91 the respondents concluded that the administrative interest no longer warranted the applicant's continuance as ad hoc Booking

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Clerk (Rs. 975 - 1540) and the applicant was ordered to be reverted to his substantive post of waterman (Rs. 750 - 940) the applicant cannot claim that he has an enforceable legal right to continue as booking clerk. It is not the applicant's case now that any person junior to him has been appointed as Booking Clerk on ad hoc basis at Mansa Railway Station after Shri C.P. Garg joined there as Booking Supervisor while he himself has been reverted, as was his case in O.A No. 1334/90 when Ram Milan was posted as waterman on ad hoc basis while he himself was reverted.

7. The applicant has laid great stress on that position of the judgment dated 31.8.90 wherein after quoting the ruling in Jethanand's case, ^{The Tribunal} had observed "ordinarily the question of reverting him to accommodate a junior person would not arise. He can be reverted only if he fails to pass the examination for regularisation after reasonable opportunities have been provided to him to pass the selection test." The applicant has asserted that this observation implies that he could not be reverted unless reasonable opportunities were given to him to pass the selection test, and no such reasonable opportunities were given to him, in as much as he was reverted in January, 1991 itself, while the selection test in which the applicant failed was held in June, 1991.

8. It is manifest that these observations have to be read in the context of the administrative and public interest which would justify the need for the ad hoc arrangements to continue per se.

Where the competent authority are satisfied that the administrative and public interest no longer require continuance of the ad hoc promotions, the applicant does not get a preemptive right to continue against that ad hoc arrangement even if ^{in these} ~~either~~ meanwhile he was not given an opportunity to clear the selection test.

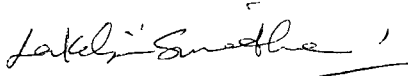
9. From the applicant's rejoinder it appears that he has also filed a CCP alleging non-implementation of the Tribunal's order dated 31.8.90. In his rejoinder he has further stated that the respondents have admitted and contended in their reply to the CCP that persons junior to the applicant are continuing to hold the post of Booking Clerk. Presumably this refers to railway stations in the Division other than Mansa. That CCP is not before us and we are not aware of its contents. It is also not clear from the materials on record ^{there} ~~where~~ there is a Division-wise seniority list of waterman, or even whether persons appointed as Booking Clerks on ad hoc basis can be shifted from one station to another depending on availability of work. The applicant in his rejoinder has

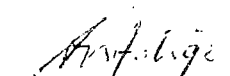
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stated that He worked as Booking Clerk (ad hoc) at Kotli Kalan Railway Station from 1.4.80 to November, 1986 and has been working at Mansa Railway Station, since then, and presumably. Therefore some form of mobility does appear to exist.

10. Under the circumstances, while it is not possible for us to grant the applicant his prayer to be reposted as Booking Clerk at Mansa Railway Station on ad hoc basis, nothing contained in this judgment will preclude the respondents, vacancies and rules permitting, from considering the applicant for being put to work as a Booking Clerk on ad hoc basis in any other railway station within the Division in accordance with his seniority and work experience.

11. This O.A. stands disposed of accordingly. No costs.


(MRS. LAKSHMI SWAMINATHAN)
Member (J)


(S.R. ADIGE)
Member (A)

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