

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 27th day of August, 2003.

Original Application No. 633 of 1996.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.

Hon'ble Mr. D. R. Tiwari , Member- A.

ganesh Sah S/o Sri Jagarnath Sah,  
R/o Quarter No. 180-B, Type IV,  
East Colony, D.L.W, Varanasi.

.....Applicant

Counsel for the applicant :- Sri M.K. Upadhyay

\_V\_E\_R\_S\_U\_S\_

1. Union of India through the Secretary,  
M/o Railways, Rail Bhawan, New Delhi.
2. Chairman, Railway Board, Northern Railway,  
Allahabad.
3. General Manager (P), D.L.W,  
Varanasi.
4. The Controller of Stores,  
D.L.W, Varanasi.

.....Respondents

Counsel for the respondents :- Sri Amit Sthalekar

O R D E R (Oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A filed under section 19 of Administrative Tribunals Act, 1985, the applicant has challenged the order dated 23.05.1996 (Annexure- 1) by which he was reverted from the post of Assistant Controller of Stores to his substantive post of Office Superintendent.

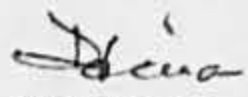
2. The facts of the case are that the applicant belongs to S.T reserved category. He was promoted as




Senior Clerk on 01.10.1980, as Head Clerk on 16.06.1982,, as Office Superintendent Gr. II on 29.08.1984 and as Office Superintendent Gr. I on 03.01.1992. It appears that the selection took place for appointment as Assistant Controller (Stores) in which applicant also participated. None of the candidates belonging to the S.T Category could qualified for appointment. Thus under the order of Railway Board dated 31.08.1974, ~~which~~ <sup>best among failures among</sup> which provided for promotion of ST/SC employees against the reserved vacancies, applicant was promoted on adhoc basis/in absence of any suitable candidate, he was the best amongst the failed candidates. The Railway Board direction provided that the adhoc appointment/promotion shall continue only for six months and further continuance shall be subject to the performance of the applicant. The applicant performed his duties for more than six months but his performance was not found satisfactory by the authorities. Therefore, by the impugned order he was reverted in his substantive post.

3. We have perused the document filed alongwith the counter affidavit and it is found that the applicant was awarded punishment of "Censure" which was maintained in appeal. The work and conduct of the applicant during the crucial period was not found up to the mark. In the facts and circumstances, in our opinion, the order does not suffer from any error of law. The O.A has no merit and is dismissed.

4. There will be no order as to costs.

  
Member- A.

  
Vice-Chairman.

/Anand/