

Reserved

Central Administrative Tribunal,  
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 13th day of March 2000.

Coram: Hon'ble Mr. S. Dayal, Member (A.)  
Hon'ble Mr. S.K.I. Naqvi, Member (J.)

Original Application No. 1253 of 1998.

Radhey Shyam Srivastava  
son of Sri Janardan Lal Srivastava,  
resident of M-11/59-D/2 Rampur, Mahmoodganj, Varanasi,  
presently posted as Travelling Ticket Examiner (TTE)  
Northern Railway at Varanasi.

. . . Applicant.

(Through Sri H.S. Srivastava, Adv.)

Versus

1. Union of India, through the General Manager,  
Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway,  
Lucknow Division, Lucknow.
3. Senior Divisional Personnel Officer, Northern  
Railway, Lucknow Division, Lucknow.
4. O.P. Chittoriya, Adhoc H.T.T.E., Northern  
Railway, Lucknow.
5. Bhagwan Ram, Adhoc H.T.T.E., Northern Railway,  
Varanasi.
6. Ram Dhar Yadav, Adhoc H.T.T.E., Northern Railway,  
Varanasi.
7. Mahmood Ali, Adhoc H.T.T.E. Northern Railway,  
Varanasi.

. . . Respondents.

(Through Sri Prashant Mathur, Adv.)

Order (Reserved)

(By Hon'ble Mr. S. Dayal, Member (A.)

This application has been filed with the  
following reliefs:-

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- (i) Setting aside order dated 9.9.96 reverting the applicant from the post of adhoc H.T.T.E. in the scale of Rs. 1400-2300 to the post of T.T.E. in the grade of Rs.1200-2040.
- (ii) Direction to the respondents to include the applicant's name in the provisional panel for the post of H.T.T.E. notified by order dated 3.7.96 between serial no. 6 and 7, regularise and promote the applicant.
- (iii) To pay costs of the application.

2. The case of the applicant is that he was inducted as Ticket Collector through Railway Service Commission on 8.4.81 in the scale of Rs.260-400 and was promoted to the grade of Rs. 1200-2040 ( revised ) on 27/28.9.89 and then as temporary adhoc H.T.T.E. in the grade of Rs.1400-2300. He claims discrimination against himself as he was paid less salary than his junior Sri U.S. Gupta from 1985 onwards, not included in those who were promoted on re-structuring without written in Viva Voce on 13.12.95 and not included in the provisional panel for the post of H.T.C. declared on 3.7.96. He has claimed the relief mentioned above in the backdrop of these allegations.

3. The arguments of Sri H.S. Srivastava for the applicant and Sri Prashant Mathur for the respondents have been heard. The record of the case has been perused.

4. The applicant has mentioned with regard to the matter of getting less salary than his junior Sri U.S. Gupta that he has filed O.A. No. 311 of 1996 which is still pending. This

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matter is, therefore, not at issue in the O.A. before us and is not addressed to any further.

5. The applicant has claimed that respondent Nos. 4, 5, 6 and 7 who had also been promoted as Temporary ad-hoc H.T.T.E. along with him and had been called for selection of H.T.C. along with him by notice dated 9.5.95 were promoted without written and viva voce against re-structuring vacancies with effect from 1.3.93 by order dated 13.10.95. He claims to have made a representation on 16.7.96 that he should also be given similar treatment. It is clear from the facts on record that the applicant was junior to those from respondents and a number of others. He has not sought any relief nor stated any ground for claiming entitlement to be considered against re-structured vacancies with effect from 1.3.93. The applicant has, on the contrary, alleged that such promotion in 1995 against vacancies arising out of restructuring in 1993 was not in order as it was against the instructions of the Railway Board. The relief sought by the applicant is not related to selection of respondent Nos. 4 to 7 because the non-empanelment of the applicant was in no way affected by the promotion of the respondents against vacancies arising out of restructuring and the non appearance of the respondents in written and viva voce for the selection to the post of H.T.C.

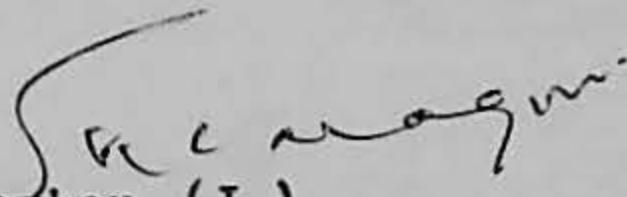
6. As far as the selection for the provisional panel for H.T.C. declared on 3.7.96, the applicant's name was not included because he did not qualify

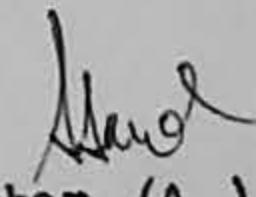
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in the selection. It is clear from the record of the case that not only the applicant but a number of co-officials senior to him had similarly not qualified and had to be reverted.

7. The applicant had claimed that he could not have been reverted after 1½ years of adhoc work on H.T.T.E's. post. This contention of the applicant cannot be accepted. A full Bench Judgments of Central Administrative Tribunal (1986-1989) in Jethanand and others Vs. Union of India and others/in T. 844/86 decided on 5.5.1989 page 353 has laid down that this rule would be applicable only after regular selection and is not applicable to those selected on ad-hoc basis.

8. We, therefore, find no merit in the application and dismiss the same. No order as to costs.

  
Member (J.)

  
Member (A.)