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along with five others who were a party in the suit was withheld. The court case was dismissed on 13.3.1985. Instead of declaring his result he was reverted on 16.7.1985 by the impugned order. The applicant has further said in his rejoinder that in 1980 the respondents had tried to revert all the promotees one by one but they were prevented from doing so by a court order. All other promoted Ticket Collectors were reverted. One of <sup>the 30</sup> ~~six~~ persons whose results were withheld filed an application in this Tribunal being Registration (O.A.) No.652 of 1986, K.P. Singh v. Union of India. Due to the order of the Tribunal in that application the withheld result was declared on 3.4.1987 and the applicant was declared successful (Annexure 'I' of one application filed by the applicant dated nil).

2. The respondents have said in their reply that the applicant was promoted ad hoc on 20.6.1978 on a clear understanding that the arrangement would be reverted on the posting of regularly selected hands. Being ad hoc promotee he was not sent for training. When a regular selection was held the applicant did not appear so he was not empanelled. Since the applicant and others who were not regularly selected had officiated for sufficiently long time, those who had passed the written test were interviewed and the results were announced in 1982. Applicant's results were withheld because of the court case.

3. We have heard the learned counsel for the parties. The learned counsel for the applicant made a submission that though the applicant has been declared

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as fit in the test held in 1982 he was not been regularly promoted and instead he has been reverted. The learned counsel for the respondents submitted that the promotion of the applicant was on ad hoc basis and since he did not appear in the regular tests held he could not be empanelled. However, to consider the cases of such ad hoc employees, who had been officiating for a long time, a sympathetic view was taken by the administration, and an interview was held with a view to regularise them.

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4. We have seen the notice (Annexure 'I' to the application) dated 9.3.1977 by which applications for filling up posts of Ticket Collectors were invited. This notice does not say that a regular selection was not being held and that the promotions as a result of this selection will be on ad hoc basis. It also lays down all the conditions of eligibility etc. It has also no where been pleaded that this selection was not for regular appointments and the appointment as a result <sup>of</sup> were to be of an ad hoc nature. It is only <sup>in</sup> their reply that the respondents have averred that in the case of the applicant and others, who could not be regularly selected in the selection and had worked for sufficiently long time, a lenient view was taken by the administration to hold screening test of such ad hoc Ticket Collectors. Accordingly they were interviewed by the Senior D.C.S. and result was declared on 19.7.82 but the applicant's result was not declared because a court case was pending, and their appointments were as a matter of fact ad hoc.

5. The promotion order of the applicant has

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not been filed by him or by the respondents to throw light on the type of promotion given to him, and the date of his promotion, except what has been stated in the ~~reply~~<sup>31</sup>. Para 7 of the reply<sup>which</sup> says that the promotion was purely on ad hoc temporary basis in the absence of regular empanelled hands and was made on 20.6.1978 with this clear understanding. This averment has been challenged by the applicant in his replication. The notice of 9.3.1977, however, as mentioned earlier, is silent about this aspect and ~~in the absence of any~~<sup>is no 31</sup> other documentary proof or any mention in the notice regarding the appointments being ad hoc.

6. <sup>31</sup> However, The fact that the applicant rushed to the court and got a temporary injunction, the action taken by the respondents to screen the applicant and others in July, 1982, the impugned orders of reversion dated 17.7.1985, the averment of the respondents that the applicant was not empanelled because he did not appear in the selections held in 1978 in para 16 of the reply, ~~however~~<sup>31</sup>, do establish the position that though the notice of 9.3.1977 did not mention anything about the likely nature of these appointments, they were of a purely ad hoc and temporary nature.

7. <sup>31</sup> Also, In his rejoinder affidavit, in para 13, the applicant has referred to the application ~~Registrar~~ Max Registration (O.A.) No.652 of 1986, K.P. Singh v. Union of India, in which the respondents were asked to declare the withheld results. In this application, K.P. Singh and Kalika Prasad, who appeared at Sl.Nos. 5 and 6 in the list<sup>31 of those whose results were withheld</sup> were the applicants. A perusal of the application says that those two were promoted in

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1978 on ad hoc basis. It is the same promotion which is in question here. Those two were also promoted along with the applicant. It thus becomes clear that the appointment of the applicant was ad hoc and not regular. <sup>This fact has not been disclosed by the petitioner in his application.</sup> There is no dispute about his continuance on account of the injunction which was vacated in 1985. The applicant was reverted on its vacation. The applicant refused to appear in the selections where he was called in 1978. His refusal resulted in his non-empanelment and subsequent reversion when selected duly empanelled hands became available. His continuance, therefore, can best be termed fortuitous, and the applicant had no right to continue but the injunction helped him in remaining on the post.

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8. Ad hoc promotion which has been continued on account of an order from a court and in which case the respondents have been prevented from reverting the person on his non-empanelment due to refusal to appear in the selection cannot give any benefit to the applicant for this fortuitous officiation. We, therefore, do not find any merit in the prayer made by the applicant that the reversion order dated 16.7.1985 may be declared illegal and void and that he may be continued on the promotional post of Ticket Collector with all the benefits. This prayer is, therefore, liable to be rejected.

9. On the above considerations the application is rejected. This should, however, not be taken as a restraint on the respondents from any action they may

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wish to take as a result of the exercise done by them in 1982 on the grounds of compassion because the applicant had officiated for a long time, though on account of the <sup>stay given by the trial</sup> court's order.

*[Handwritten signature]*  
Member (A).

*[Handwritten signature]*  
13/11/87  
Member (J).

Dated: November 13<sup>th</sup>, 1987.

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