

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Registration T.A. No. 1245 of 1987

R.D. Srivastava, .... Applicant

vs.

Union of India & Others .... Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

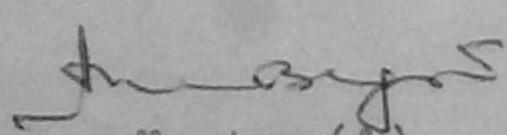
(By Hon. Mr. Justice U.C. Srivastava, V.C.)

Against the reversion order dated 22.10.1982 reverting the applicant from the post of Assistant Signal & Telecommunication Engineer (Class-II Post) to the post of Telecommunication Inspector Grade-I (Class-III) and promoting the respondent no. 4 the applicant filed a Writ Petition <sup>before</sup> in the High Court, Allahabad which by operation of law has been transferred to this Tribunal. The applicant has prayed for quashing the reversion order, and apart from the other ground has challenged the reversion order on the ground that the same was in violation of the Railway Board's circular dated 23.6.1964. The applicant was appointed as Wireless Technician (Class-III) after being selected by the Railway Service Commission in the year 1954. The applicant was promoted as Chief Telecommunication Inspector Grade-I (Class-III) in the year 1973. The next higher grade was the post of Assistant Signal Telecommunication Engineer (Class-II post). The applicant's name was also recommended for the said post on adhoc basis by the Departmental Promotion Committee in the year 1980, and consequently the applicant was promoted on the post of Assistant Signal & Telecommunication Engineer vide order dated 30.12.1980. Even though there were no adverse entries in the confidential report nor any disciplinary proceedings was taken against the applicant yet the

reversion order was passed. During the pendency of this case the applicant has retired from the service.

2. The respondents have resisted the claim of the applicant and have stated that as the regular panel was not prepared the ad-hoc promotion from class-III to Class-II was made. As the applicant was fulfilling all the qualification and his name was recommended by the Departmental Promotion Committee for this purpose that is why he was appointed on ad-hoc basis. But a written test was took place for selection to the said post on 28.8.81. The applicant was not declared passed in the above written test for professional ability and the respondent no.4 was declared to have passed in the same and that is why the respondent no.4 was appointed in the said post in the place of applicant with the result the applicant was reverted. The respondents have further contended that as the applicant did not qualify in the examination he could not claim for the said post.

3. The applicant placed reliance that after working for 18 months he was reverted from the said promotional post and the respondent no.4 was promoted on adhoc basis on the said post. It appears that the person who was promoted in place of applicant was duly selected after having passed the written test, and the applicant was not selected and his name was never in panel. Obviously the applicant was entitled to get one more opportunity to appear in the written test. But he having retired from service this relief cannot be granted to him. Accordingly this application is got to be dismissed as the reversion order was in confirmity with the law. There will be no order as to costs.

  
Member (A)

  
Vice-Chairman.