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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
Registration O.A. No. 708 of 1987

Keshav Prasad Tripathi Applicant.

Versus.

Union of India & others Respondents.

Hon. Ajay Johri, A.M.

Hon. G.S. Sharma, J.M.

By this application filed under section-19 of the Administrative Tribunals Act, 1985, the applicant who is working in a temporary adhoc basis as Hindi Assistant Grade-I on the Allahabad Division, Northern Railway, has requested that the panel declared by the respondents on 19.6.1987 be quashed and the postings made on the basis of the same be also set aside and the respondents be directed not to revert him and to implement the policy on decentralisation of the post of Hindi Assistant, on the analogy of the decentralisation of the posts in Grade Rs.700-900 and fill the above post in the basis of Divisional Seniority.

2. The applicant was appointed originally as an Office Clerk in the D.R.M. Office, Allahabad on 6.7.1955. He joined as a Hindi Assistant Grade-III on 18.12.1979. According to him he was promoted to Grade-II on 30.11.1980 and thereafter to Grade-I on 27.5.1983. The post of the Hindi Assistant Grade-I at the relevant time when he was promoted ^{was a} ~~that~~ the selection post. His promotion was on adhoc basis and ^{he} ~~was~~ allowed to work till selected hands joined the post.

3. The respondents held selection and declared a panel on 19.6.'87 and on the basis of the aforesaid panel they posted a person to Allahabad as Hindi Assistant Grade-I, on the post which was occupied by the applicant. ³ ~~This order was issued on 19.6.87.~~ ³

According to the applicant since the respondents had decentralised

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the posts upto Grade Rs.700-900 by their letter dated 27.1.1981 except posts of some departments, he should have been considered for this promotion on the divisional seniority, but, the panel formed by the respondents was on the basis of Railway seniority taking ^{3/} to the post of Hindi Assistant as a Head Quarters controlled post.

4. According to the respondents the applicant was allowed to officiate in Grade-I purely on adhoc basis till regularly selected hand became available and the post was a Head Quarter controlled post. It was as a result of the selection held to fill-up the vacancies of Grade-I posts, that the posting order was issued whereby one person from the panel was posted to the Allahabad Division to the post where the applicant was ~~worked~~ ^{3/ put to officiate}. However when this application was moved in 1987, the posting could not materialise as a stay was granted to the applicant against his reversion. The respondents case is that the incumbent, who was empanelled had been put to work locally ~~but~~ ^{3/}. He should have been posted to Allahabad but, for the stay granted. They have therefore opposed the grant of stay and have also opposed the application on the ground that the applicant has no cause as the post was Head Quarter controlled and he was not eligible to continue ^{3/ on} ~~to~~ that post on account of his seniority. The applicant has brought to our notice, a letter issued by the respondents by which the post of Hindi Assistant was ^{3/ was made non selection, This was} issued by the respondents on 9.10.'87. The panel however which is under reference was declared on 19.6.1987. The applicant has submitted that since the post has become non-selection and the posts in scale of Rs.700-900 have been decentralised, he being the senior most on the Division and ~~since~~ ^{3/ having been} he ~~was~~ working since 1983, his reversion at this stage will be too harsh and will make ~~him~~ ^{3/} him suffer irreparably. The applicant also submitted that the panel which was declared on 19.6.'87 was not approved by the competent authority. To this

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submission the learned counsel for the respondents placed before us a corrigendum that has been issued on 2.9.87 wherein it has been mentioned that instead of the approval of the panel by the Assistant Personnel Officer it ^{3/} should be read ^{3/} as by Chief personnel Officer.

5. We have heard the applicant in person and Shri. Prashant Mathur for the respondents. It is evident that the selection was made when the post of Hindi Assistant Grade-I was a selection post that the post was controlled by the Head Quarters. It ^{3/} has also been admitted by the applicant, that in the selection held in 1986 he was not called. This is also supported by the representation that he had made requesting that the post of Hindi Assistant Grade-I, ^{3/} be brought on the Divisional Seniority List instead of being under Head Quarter control ^{3/}. Therefore if this post in the Hindi Department of the Northern Railway was to be filled on the basis of being Head Quarter controlled post the applicant can not have any claim for promotion ^{3/} regular basis ^{3/} if he is not senior enough. ^{3/} His promotion ^{3/} was only pending selection ^{3/} for which he was not called.

6. As far as the request for declaring the post divisionally controlled is considered we do not feel that this Tribunal can issue direction in this regard to the respondents. We also feel that the contention of the applicant that since certain posts in the scale of Rs. 700-900 have been decentralised by an order dated 28.1.1981, decentralisation order should also apply to the post of Hindi Department is well founded.

7. Now that the post of Hindi Assistant Grade-I has become non-selection post, ^{3/} the question of holding the selection will not arise. This post will be filled on the basis of seniority-cum-fitness. The seniority list of Hindi Assistant Grade-II which is the substantive post held by the applicant is not before us. It is

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also not clear from the record ^{whether} ~~that~~ the Hindi Assistant Grade-II post is also a Head Quarter controlled post or not. The applicant alleges that it is a divisional controlled post. We will not ^{write} to comment on this aspect.

8. The applicant ^{had} submitted a representation on 24.7.1986 but this has not been disposed of by the respondents.

9. ^{3/} Having considered the various submissions made before us ^{3/} we dispose of this application by directing ^{3/} ~~that~~ the respondents, ^{3/} that if they have already operated the panel and exhausted the same by promoting the last person who was likely to be posted at Allahabad at some ^{3/} other ^{3/} places ^{3/} and ^{3/} they will be at liberty to post him against the post of Hindi Assistant Grade-I in pursuance of the order of 19.6.'87, and that the question of decentralisation of the post of Hindi Superintendents and posts down below will also be finally decided by the respondents within a period of one month of date of receipt of this order ^{3/} and on the basis of the position occupied by the applicant in the seniority list of Hindi Assistant Grade-II, he will be considered for further promotion to the non-selection post of Hindi Assistant Grade-I on his turn. This decision will also be taken by the respondents within a period of one month from the date of receipt of this order. Till that date the applicant will not be reverted.

10. Application is disposed of with the above directions. We leave the parties their own costs.

Indra
Member (J)

राजय जी
Member (A)

Dated: 28th June, 1989.
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