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CENTRAL ADMINISTRATIVE TRIBUNAL ALIHAHAD BENCH.

O.A.No.556 of 1988

Kesho PrasadApplicant.

Versus

Union of India & othersRespondents.

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

Hon'ble Mr.K.Obayya,A.M.

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

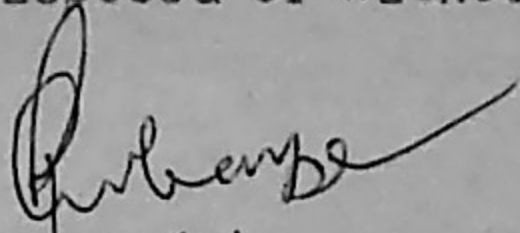
The applicant was working in the railway in the year 1956 as a Peon and by virtue of his seniority and fitness, he was allowed to work as Coach attendant vide letter dated 11.9.79 and he worked as such till 1985. Vide letter dated 13.2.85, it was directed that no coach should go unmanned and Class IV Staff was directed to work as Coach attendant who was working previously. The applicant was allowed to work as Coach attendant against clear and existing vacancy. In order to make regular promotion to the post of Coach attendant in scale of pay 210-270, applications were invited for selection. The applicant applied for the same and he was called for selection. After being found ^{fit} ~~him~~ selected, he was promoted to the post of Coach attendant against a clear and existing vacancy on 13.6.86. Without assigning any reason and without giving any opportunity to the applicant, vide letter dated 29.9.87, the applicant was reverted from the post of Coach attendant to the post of peon. Feeling aggrieved with the said order, the applicant approached the departmental authorities and thereafter this Tribunal challenging

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the said order on various grounds that it is a non-speaking order as it does not contain any reason to withdraw the applicant from the post of Coach attendant to the post of Peon and that he was duly promoted and cannot be reverted in such a manner. The respondents resisted the claim of the applicant stating that as a matter of fact, the appointment of the applicant was on adhoc basis and in a stop-gap arrangement and the same does not confer any right on the applicant. The appointment of the applicant was not a regular selection but it was only through screening test on the basis of viva-voce as is clear from Annexures 4 and 5 and accordingly the applicant has got no right. The applicant was not selected for the post of Coach attendant through a regular selection but was posted as such after being found fit in a screening test. It is strange that years have passed and the Railway Administration has not been able to make selection and for years the work of Coach attendant was taken by the Railway Administration from the applicant. It is not such a technical post for which the Railway Administration will take years for making selection. The applicant worked on the post of Coach attendant and his work was quite satisfactory. There appears no reason as to why his case for regularization could not be considered. Accordingly, the respondents are directed to consider the case of the applicant for regularization on the post of Coach attendant. Let it be done within a period of three months from the date of communication of this order.

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With these observations, the application is disposed of without any order as to costs.


MEMBER (A)


VICE CHAIRMAN.

DATED: APRIL 20, 1992

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