

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

(A2/1)

(9)

Original Application No. 735 of 1988

Pauhari Saran Singh ::::: Applicant

Versus

Union of India  
and Others ::::::: Respondents

Hon'ble Mr. Maharaj Din, Member 'J'  
Hon'ble Mr. K. Muthukumar, Member 'A'

(By Hon'ble Mr. Maharaj Din, Member 'J')

The applicant preferred this application under Section 19 of the Administrative Tribunals Act, 1985 seeking the relief to ~~quash~~ the panel dated 19.5.88 (Annexure-3) prepared for selection of Passenger Guard 'A' and in alternative it is prayed that direction be issued to the respondents not to give effect or to treat the applicant as selected candidate for Passenger Guard 'A'.

2. The relevant facts giving rise to this application are that the applicant was initially appointed as General Clerk and in due course of time he was promoted as Guard 'C' and then Guard Goods 'B'. The applicant in pursuance of notification dated 22.7.1987 (Annexure-1) appeared in the written test for selection of post of Passenger Guard 'A' and he was declared successful in the written test. In the interview he was not declared successful as such his name ~~has~~ not come in the panel of successful candidates. (Annexure-3). It is stated that the applicant was working on ad-hoc basis on the post of Passenger Guard 'A' from 04.2.1988; as such the right has accrued to

to him to continue to work on the said post though he has not been shown as a selected candidate and empanelled candidate.

3. The respondents filed counter-reply and resisted the claim of the applicant inter-alia on the ground that the applicant was allowed to work as Passenger Guard 'A' on ad-hoc basis but, no right has accrued to him to continue on the said post after having failed in the selection test.

4. We have heard the learned counsel for the parties and gone through the record of the case.

5. Learned counsel for the applicant(s)-has drawn our attention to the letter dated 25.1.1976 and has contended that on the basis of this letter issued by Government of India, Ministry of Railways(Railway-Board), the applicant is entitled to continue to work on ad-hoc basis on the promoted post. The contents of the letter are reproduced as under;

"Sub: - Record note of the meeting of the Deputy Minister for Railway and the Railway Board with heads of the Personnel Department of the Railway Administrations held in New Delhi on 27.11.1975.

Attention is invited to para 2.2 of the record note of the meeting circulated vide Board's letter no.75-E(SCT) 15/48 dated 9.12.1975 which is reproduced below

"2.2. Panels should be for selection posts in time to avoid ad-hoc promotions. Care should be taken to see, while forming panels that employee who have been

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working in the posts on ad-hoc basis quite satisfactorily are not declared unsuitable in the interview, in particular any employee reaching the field of consideration should be saved from harassment.

The Board desire that instructions should be issued to all concerned, for strict compliance of the decision particularly in regard to SC/ST persons."

6. Through this letter only the attention was drawn towards the minute of the meeting convened for the purpose but, no decision was taken, as such this letter is of no avail to the applicant.

7. During the course of argument, learned counsel for the applicant has contended that the applicant ~~was~~ continuously worked on ad-hoc basis on the post of Passenger Guard 'A' for more than 18 months, therefore, the order reverting him as Guard Goods 'B', after having failed in the selection test, is illegal. The respondents have denied this fact and drawn our attention towards averment made in para '6-IV' of the application wherein it is said that the applicant was given ad-hoc posting as Passenger Guard 'A' on 04.2.1988. The impugned panel of successful candidates (Annexure-3) came in existence on 19.5.1988 so, the applicant had worked on the promoted post of Passenger Guard 'A' for about 3 months only and it is wrong to say that he continued work on the promoted post on ad-hoc basis for more than 18 months. Since the applicant has failed in the selection test for the post of Passenger Guard 'A', <sup>he is a</sup> ~~therefore he is~~ ~~not entitled to continue to work on that post~~

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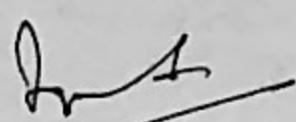
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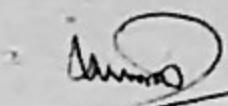
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not entitled to continue to work on the said post and he has been rightly reverted ~~to~~ to the post of Guard Goods 'B'.

8. In view of the discussion made above, we find that the application ~~of the application~~ is devoid of merit which is hereby dismissed with no order as to costs.



Member 'A'



Member 'J'

Allahabad Dated 8<sup>th</sup> July, 1994

/M.M./