

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1624 of 1992

Allahabad this the 18th day of July, 2001

Hon. Mr. Justice R.R.K. Trivedi, V.C.  
Hon. Mr. S. Dayal, Member (A)

Subhash Chandra Mishra S/o Late Shri Radhey Lal  
Mishra, R/o 75, Billeswar Prem Nagar, Jhansi  
aged about 41 years, posted as Senior Chargeeman/  
Driver Instructor at Jhansi on Central Railway.

Applicant

By Advocate Shri H.P. Pandey

Versus

1. Union of India through the General Manager,  
Central Railway, G.M.'s Office, Bombay V.T.
2. The Divisional Railway Manager, JHANSI Central  
Railway, D.R.M's Office, JHANSI (U.P.)
3. The Senior Divisional Electrical Engineer(T.R.O.)  
D.R.M.'s Office, Central Railway, JHANSI .

Respondents

By Advocate Shri Prashant Mathur.

O\_R\_D\_E\_R ( Oral )

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A. the applicant has prayed for  
direction to the respondents to allow him officiating  
chance in the grade of Rs.2000-3200/- since 19.11.1990  
at par with his junior Shri S.D. Srivastava. It has  
been further prayed that weightage of higher grade

officiation and seniority may also be given to the applicant for regularisation in the grade. Lastly it has been prayed that the respondents may be directed to interpolate the applicant's name for promotion to the grade of Rs.2000-3200.

2. After hearing the counsel for the parties, we have directed the respondents on 17.08.2000 to produce the original record pertaining to selection and promotion of S.L. Yadav. Shri Prashant Mathur has produced the original record before us today, from perusal of which it appears that in 1991-Selection, S.L. Yadav was selected. Initially his name was not included in the panel, but by subsequent correction his name was included by the order dated 14.02.92. Thus, the applicant cannot claim any parity so far as S.L. Yadav is concerned.

3. Shri Prashant Mathur has also placed before us the record pertaining to selection, <sup>✓ in ✓</sup> which the applicant appeared as a candidate. The applicant appeared in the Written Test as well as in Viva Voce, but he could secure only 54 marks and was not found suitable. In this selection, 3 candidates were selected, who secured above 65 marks. Thus, the applicant cannot have grievance that he was not given chance to compete for promotion.

4. Shri H.P. Pandey has also submitted that the applicant had gone on deputation for a brief period during 10.12.1989 to 09.12.1991, and on return he was not given chance to work on ad hoc basis in

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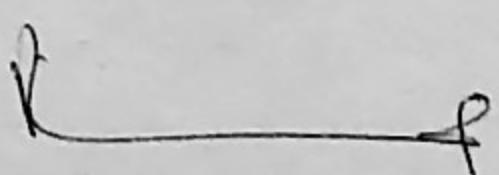
the grade of Rs.2000-3200/- as was given to Shri S.D. Srivastava, who was junior to the applicant. The applicant cannot claim as a matter of right for ad hoc chance. It is an arrangement in the facts and circumstances of a particular time. Admittedly, the applicant was away and he could not be appointed on ad hoc basis. Others who were present, they got the chance. No parity can be claimed in such circumstances.

5. Learned counsel for the applicant lastly submitted that the respondents may be directed to consider the claim of the applicant against future vacancies on ad hoc basis or ~~or~~ after regular selection. The respondents are directed to consider the case of the applicant against future vacancies on ad hoc basis, and if there is possibility of regular selection, he may be allowed to compete for regular selection.

6. Subject to above, the O.A. is dismissed.  
No order as to costs.

  
Member (A)

|M.M. |

  
Vice Chairman