

Central Administrative Tribunal
Allahabad Bench, Allahabad.

Dated: Allahabad This The 30th Day of May, 2000.

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

Original Application No. 1785 of 1992.

Bal Kisan, S/o Late Sri Tika Ram,
Inspector of Works Grade-I,
Northern Railway, Etawa resident of Quarter
No.17, Railway Colony, Etawa.

. . . Applicant.

Counsel for the applicant: Sri A.K. Singa, Adv.

Versus

1. Union of India, through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Allahabad.
3. Divisional Personnel Officer, Northern Railway, Allahabad.
4. Sri Baboo Ram, Inspector of Works, Grade-II under Assistant Engineer, Northern Railway, Allahabad.
5. Sri Chhabi Nath Ram, Inspector of Works Grade-II under Assistant Engineer, Northern Railway, Allahabad.

. . . Respondents.

Counsel for the respondents: Sri Amit Athalikar, Adv.

ORDER

(By Hon'ble Mr. S. Dayal, A.M.)

This application has been filed for declaring result of Viva-Voce Test of Sri Baboo Ram and Sri Chhabi Nath Ram and the reversion order of the simultaneous applicant as illegal and ~~xx~~ prayer has also been made for the direction to the respondents to select

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the applicant in the cadre of Inspector of Works G Grade-1 in the scale of Rs.2000-3200 according to his seniority position.

2. The applicant has mentioned that he was promoted as Inspector of Works Grade-1 on ad-hoc basis by order dated 30.5.86 against Reservation Quota. He claims that as per the contents of Railway Board Letter ED & A-65R.G-6-24 dated 9.6.65 he stands automatically ^{selected} as Inspector of Works in Grade-I. He claims that the action of the respondents in deciding to hold selection of Inspector of Works Grade-I and requiring the applicant to appear for the said test was not correct. The applicant, however, did appear in the written and was among 37 candidates, who were successful and his name was at serial No. 15. He is stated that after the viva-voce test juniors Sri Baboo Ram and Chhabbi Nath Ram at serial No. 31 and 35 were declared successful. He claims that he had received much better marks at the same time stating that result of viva-voce was illegal and discriminatory. He seeks the setting aside of the order in the back drop of the above facts.

3. The arguments of Sri Amit Sthalekar for the respondents have been heard.

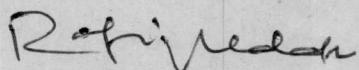
4. The learned counsel for the respondents has placed reliance on the full bench Jethanand Vs. U.O.I. reported in Central Administrative Tribunal full bench 1986-89 in which it has been held that the circular providing that if a person is promoted and continues to officiate beyond 18 months, he cannot in future be reverted for unsatisfactory work without following the procedure prescribed in the D.A.R., is not applicable when promotions are to be made by selection

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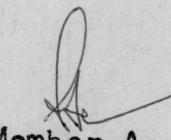
5. The provisions of this circular of Railway Board do not apply to this case ^{also} because the applicant has not been reverted for un-satisfactory work but has been reverted because he did not qualify in the process of selection.

6. The Original Application is therefore, dismissed as lacking in merits.

7. No order as to costs.



Member-J



Member-A

/Raza/