

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH ALLAHABAD

Original Application No. 777 of 1992

VERSUS

Union of India & Others Respondents

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

Honorable Mr. K. Obayya, Member (A)

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

Heard the learned counsel and accordingly, the case is being disposed of finally.

2. The applicant was appointed as Casual Driver on 25.5.1980 in the Central Railway and he acquired temporary status on 1.1.1984 and he was trade tested on 26.6.1989 and was promoted on 3.7.1989 as truck driver against the sanctioned post in pay scale Rs. 950-1500/- The order indicates that he was promoted on temporary and adhoc basis and this local arrangement will last till such time a regular incumbent is posted and he will have no prescriptive right to continue in regular grade over his senior. The applicant was getting all the benefits of a regular employee inasmuch as insurance and provident fund etc. was being deducted; and without any prior notice or opportunity, the applicant was reverted vide order dated 1.5.1992. The order reads as follows :

" Shri Sobran Singh S/o Prithvi Singh, presently working as Driver Grade Rs. 910-1100(RPS)(Adhcc) is reverted back on substantive posts of temporary status Driver Grade Rs. 910-1500(RPS) are posted under XEN(1) MTS with Headquarter at Mathura."

(2) " Shri Ram Doyal &/o Shri Ram Kripal presentl
working as Driver Grade as. 950-1100(RPS) on
ad hoc is reverted back on substantive post of
Trolley Men Grade 775-1025(RPS) and posted under
XEN(1) MTs in the headquarter at Mathura."

W

:: 2 ::

3. The learned counsel has contended that no regular selection has been made and as such there was no question of reversion and as a matter of fact he has already been trade tested, he was to be declared having become permanent instead of declaring permanent. He has been reverted in this manner and his status has been reduced.

4. Shri C.P. Agrawal learned counsel for the respondents contended that in order to become a permanent employee ~~one trade~~ screening is also necessary and screening has not been done. Whenever the applicant undergoes the process of screening and pass the same, obviously he will be made permanent when as his turn come. According to him the applicant has not been reverted as the pay-scale will be the same and he has only been sent back to work on his substantive post. The contention appears to be lucrative, but of course the order which has been passed does not justify. Merely because the pay scale is the same that can not be taken to mean that the order does not involve any reduction or reversion. It appears that the applicant has been reverted back to the substantive post of temporary status. Meaning thereby the applicant has been sent, although the pay-scale is the same but he has been sent back in the place where he was before the trade tested. After temporary status then again a person will be required to cross more than 120 days in order to become a regular employee whereas even if it is expected one screening is needed, after screening he can become a regular employee. No other regular appointment

W/

Contd...3/-

:: 3 ::

having been made. There was no question of reverting back ^{him} to the applicant to send back ~~him~~ to the temporary status without disturbing the pay-scale. The order as it is, is not sustainable and accordingly, this application is allowed and the reversion order in its present shape is as it is quashed. However, it will be open for the respondents to regularise the applicant in case any screening is needed and after the process and come out of the same successful in accordance with seniority.

Faruque
Member(A)

Lev
Vice-Chairman

Allahabad dated 4.9.1992.

(R.K.)