

CENTRAL ADMINISTRATIVE COURT

ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO.1268 OF 1992

Allahabad, this the 23rd day of December, 1999.

Coram : Hon'ble Mr. S. Dayal, Member(A)
Hon'ble Mr. S.K. I. Naqvi, Member(J)

Shri Bishram Dadel,
S/o. Sri Anand Dadel,
R/o. D. L. W. Varanasi.

.....Applicant

(By Shri A. V. Srivastava, Advt.)

Versus

1. Diesel Locomotive Workshop through its General Manager, D. L. W. Varanasi.
2. Chief Personnel Officer, DLW Varanasi.
3. Chief Electrical Engineer, Diesel Locomotive Workshop, Varanasi.

..... Respondents

(By Sri A. Sthalekar, Advocate)

O R D E R (Oral)

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

This original application has been filed for setting aside of order dated 20-8-92 and directing the respondents to regularise the services of the applicant to the post of Draftsman in the scale of Rs.1400-2300, and a direction not to revert the applicant to the post of Assistant Draftsman due to adjustment of outsiders Smt. P. N. Tiwari and Sri Durga Singh.

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2. The applicant has mentioned that he was working on the post of Draftsman and had all the qualifications to be considered for promotion to this post, but instead of so considering the post was filled up by transfer of an outsider.

3. The arguments of Sri V.K.Srivastava learned counsel for applicant and Sri Amit Sthalekar for respondents have been heard.

4. We find that the applicant has annexed his order of promotion (annexure-A3). It has been mentioned in the order of promotion that the applicant is being promoted on a staff gap basis on adhoc and it does not entitle the applicant to any seniority for promotion on the basis of such working. The applicant was actually working as Assistant Draftsman and was posted on adhoc basis, thus his nature of appointment was purely fortuous. The respondents have mentioned in their Counter reply that the applicant was promoted on 19-10-89 against a general post on purely temporary and adhoc basis. They have also mentioned that the applicant appeared twice in the selection for the post of Draftsman (Electrical) in the Written Test held on 15-12-89 and 30-10-91, but he could not qualify in the Written Test. Since the applicant had failed to qualify in the selection for the promotion to the post of Draftsman he had no right to continue on the said post. It is also mentioned that the post of Draftsman is a selection post.

5. We also find that the vacancy has been filled up by transfer of incumbents who were regular Draftsman.

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Therefore, we do not consider the applicant entitled to any relief. The case is dismissed as lacking in merits. There shall be no order as to costs.

MEMBER (J)

MEMBER (A)

/satya/