

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD.

Dated: Allahabad, the 8th day of March, 2001

Corum: Hon'ble Mr. V. Srikantan ... Admn. Member
Hon'ble Mr. Rafiquddin ... Jud. Member

ORIGINAL APPLICATION NO. 565/ 1995

Shri Gajendra Singh pal

Son of Gajadhar Prasad pal
R/o House No. 101
Schoolpura, Prem Nagar
Jhansi, working as Adhoc
Junior Clerk in the office
of D.M.E. (D) Jhansi.

... Applicant

(By Advocate Shri H.P. Pandey)

Vs.

1. Union of India
through General Manager
Central Railway
CM's office, Bombay VT.
2. Divisional Rail Manager
(Personnel Branch)
Jhansi.
3. Divisional Mechanical
Engineer (D), Jhansi.
4. Shri Sukhdeo Prasad
Junior Clerk, Office of
Divisional Mechanic Engineer (D)
Jhansi.
5. Km. Manju Khare, Power Recorder
Office of Divisional Mechanical
Engineers (D), Jhansi. ... Respondents

(By Advocate, Shri G.P. Agarwal)

... 2/-

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O R D E R (ORAL)

HON'BLE MR. RAFIQUDDIN, JUDICIAL MEMBER

The applicant was appointed as casual khalasi in the year 1974 and was regularised on the said post with effect from 10.5.78. The post of khalasi is a Group 'D' post. It appears that vacancies of junior clerks in the mechanical department in which the applicant has been working fell vacant in the year 1988. The applicant alongwith some other persons was promoted as Junior Clerk on adhoc basis vide order dated 16/ 29.6.88 (Annexure A-2). He was promoted against the clear vacancy of Junior Clerk. The applicant has been working satisfactorily on the post of Junior Clerk. The applicant, has, however, been reverted to his original post of khalasi vide the impugned order dated 6.6.95 (Annexure A-1). By means of this OA, the applicant has sought quashing of the impugned order dated 6.6.95.

2. The main grievance of the applicant is that some juniors to the applicant, ^{viz.} Shri Sukhdeo Prasad, Respondent No.4 and Km. Manju Khare, Respondent No.5 who were also promoted on adhoc basis as Junior Clerks are still working whereas the applicant has been reverted illegally. *other objections sought to are not being pressed.*

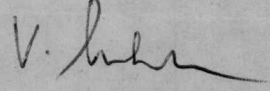
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3. We have heard Shri H.P. Pandey for the applicant and Shri G.P. Agarwal for the respondents.

4. It is an admitted case that the applicant belongs to operating branch. It is also admitted that the applicant has been promoted as Junior Clerk on adhoc basis as a stop gap arrangement which is also clear from the perusal of the promotion order of the applicant dated 16/ 29.6.88 (Annexure A-2). It is no doubt correct that the applicant has not specifically mentioned in the OA that respondents No.4 and 5 are juniors to the applicant, but the order dated 28.11.94 (Annexure A-6) clearly indicates that respondents No. 4 & 5 also belong to the mechanical branch and were working in Group 'D' posts who were promoted on adhoc basis as Junior Clerks. The applicant was also holding a Group 'D' post in Mechanical Branch and was promoted on adhoc basis as Junior Clerk in the year 1988. It is a settled law that any adhoc employee cannot be substituted by another adhoc employee. We, therefore, dispose of this OA with the direction to the respondents not to revert the applicant from the post of adhoc junior clerk in case the respondents 4 & 5 are found to be juniors to the applicant and they have been ^{promoted} on adhoc basis. No order as to costs. 7


JUDICIAL MEMBER


ADMINISTRATIVE MEMBER