

12

CAT/J/13

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 166/91
T.A.NO.

DATE OF DECISION 30-7-98

Shri Prabhubhai Prajapati, Petitioner

Mr.V.S.Mehta Advocate for the Petitioner [s]
Versus

Union of India & Ors. Respondent

Mr.N.S.Shevde Advocate for the Respondent [s]

CORAM

The Hon'ble Mr.V.Radhakrishnan : Member(A)

The Hon'ble Mr. Laxman Jha : Member(J)

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ?
- 2, To be referred to the Reporter or not ?
- 3, Whether their Lordships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ?

B

Shri Prabhubhai Prajapati,
Assistant Coaching Clerk,
at Dehgam Railway Station,
Dehgam,
Dist. Ahmedabad.

:Applicant

(Advocate: Mr.V.S.Mehta)

Versus

1. Union of India,
Through General Manager,
Western Railway, Churchgate,
Bombay-20.
2. Divisional Commercial Superintendent,
(Establishment) Rajkot Divn.
Western Railway, Rajkot.
3. Divisional Commercial Superintendent,
Rajkot Division, Western Railway,
Rajkot.
4. Divisional Railway Manager,
Rajkot Division, Western Railway,
Rajkot.
5. Station Superintendent,
Western Railway,
Dehgam.

:Respondents.

(Advocate: Mr.N.S.Shevde)

JUDGMENT
O.A.166/91

Date: 30-7-98

Per: Hon'ble Mr.V.Radhakrishnan :Member(A)

In this O.A. the applicant challenges the impugned order dated 28.12.90 (Annexure-A) in which the applicant is sought to be reverted from his officiating post of Assistant Coaching Clerk Group 'C' to his substantive post

of Platform Porter Group 'D'. The applicant contends that he is a regular Group 'D' official i.e. Platform Porter. He was promoted as Assistant Coaching Clerk on 17.4.1989 after being given training. The applicant claims that recruitment to Group 'C' post is partly done by direct recruitment and partly by promotion in the ratio of 2/3 to 1/3. He alleges that he was sought to be reverted to accommodate direct recruit which is illegal and against the rules. Hence, he prays for quashing and setting aside the order at Anneure-A and he be allowed to continue in Group 'C' post. The interim relief asked for by the applicant that he should be allowed to continue in Group 'C' post until the O.A. was decided was however, rejected.

2. The respondents have filed reply. They have contested the application. They state that the applicant was appointed in Group 'C' post was purely on adhoc basis as stop gap arrangement until such time regular staff become available. They have stated that the applicant appeared in the selection test for promotion from Group 'D' to 'C' post and he failed in the same. As he had failed in the selection, he had to be reverted. Accordingly, they have prayed for rejection of the application.


14

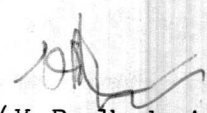
3. Mr.V.S.Mehta learned counsel for the applicant during the argument stated that the applicant officiated nearly 20 months in the Group 'C' post and he was reverted without giving any notice. He claims that the applicant was reverted to make way for direct recruits. The applicant had also cleared written test. The applicant appeared in the oral test wherein he failed. He also claims that the applicant should have been one more chance to appear in the selection test.

4. Mr.N.S.Shevde, learned counsel for the respondents denied the contention of Mr.Mehta. He states that it was not true that the applicant was reverted to accommodate direct recruit candidate. The applicant was given chance to appear in the selection test. Even though he qualified in the written test he failed in the oral test and as enough number of candidates were available who had passed the selection test, the applicant had to be reverted. Even his promotion to Group 'C' was on ad hoc basis subject to conditions and as such reversion to his substantive group 'D' post, once he failed in selection, was proper. Accordingly, he prays for rejection of the application.

15

5. We have heard both the learned counsels and gone through the documents. The simple fact of the matter is that the applicant did not qualify in the selection process and as such he could not be continued in Group 'C' post. It was also made clear that his promotion was on adhoc basis subject to conditions for passing selection test. Accordingly, the reversion to group 'D' post after he failed in the selection, cannot be termed as illegal. He was reverted because he failed in the selection test. Therefore, we see no merit in the O.A. Accordingly, the O.A. is dismissed. No costs.


(Laman Jha)
Member(J)


(V. Radhakrishnan)
Member(A)

aab