

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

*No
Reversion*

O.A. No. 1/458/92
T.A. No.

DATE OF DECISION 19.1.1993

Mrs. Manorama Sharma

Petitioner

Mr. P. K. Handa

Advocate for the Petitioner(s)

Versus

Union of India & others

Respondent

Mr. N. S. Shevde

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N. V. Krishnan
Vice Chairman

The Hon'ble Mr. R. C. Bhatt
Member (J)

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

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Mrs. Manorama Sharma,
96/E, Railway Colony,
Pratapnagar, Baroda-390004
(Advocate : Mr. P. K. Handa)

.....applicant

VERSUS

Union of India, owning and
represented by :-

1. General Manager, Western Railway,
Churchgate, Bombay-400020
2. Divisional Railway Manager,
Western Railway,
Baroda-390 004.
3. Rajbhasha Adhikari,
Divisional Office,
Baroda-390 004.

.....respondents

(Advocate : Mr. N. S. Shevde)

ORAL ORDER

O.A./458/92

Date : 19.1.1993

Per : Hon'ble Mr. N. V. Krishnan
Vice Chairman

The applicant who was working as
Junior Hindi Typist in the scale of Rs. 950-1500/-
under the Divisional Railway Manager, Baroda (Resp. 2)
was given an adhoc promotion to officiate as ~~Hindi~~
Hindi Assistant Gr. II, in the scale of Rs. 1400-2300/-

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in the Hindi section by the Annexure A/1 order dated 08.7.88. The applicant was continuing as Hindi Assistant Gr.II, since then, until, by the impugned order Annexure A order dated 06.11.92 ~~she~~ was reverted to her substantive post of Junior Hindi Typost. The applicant is aggrieved by this reversion and has filed this application seeking to quash the Annexure A order and a direction to the respondent to continue the applicant on the post of Hindi Assistant Grade-II in the pay scale of Rs. 1400-2300/ till the vacant posts, which are four in number, are filled up in a regular number, after due selection.

2. The respondents have filed a reply denying relief to the applicant. According to the respondents, the post of Hindi Assistant Gr.II, in the scale ~~x~~ of Rs.1400-2300/-, is a selection post and can be filled up only by selection of eligible of persons who have to be on the pay scale of Rs.1200-2040, as is ~~made~~ clear in the ~~x~~ Western Railway Headquarter, circular EP 1025/9 dated 23.2.89, which has been produced for our perusal today and is kept on record. That circular also states that the experience of three years may, however, be either in the pay scale of Rs.950-1500, or 1200-2040, or both. But, only persons on the scale of Rs.1200-2040, having the aforesaid experience are eligible for regular ~~selection~~ promotion. The respondents also state that steps for regular selection for the post of Hindi Assistant have already been initiated. The applicant was appointed on purely an adhoc basis on the post of Hindi Assistant Gr.II. Admittedly, the applicant was not holding any post relevant ~~pay scale~~ pay scale of Rs.1200-2040/- before such adhoc promotion and therefore, is not only not eligible to be considered for regular promotion, but he cannot continue to hold that post.

3. The reason for this decision is stated ~~as~~ in para-6 of the reply, where the respondents state that, as the applicant was not working in the scale of Rs.1200-2040/- at the time of adhoc promotion to the post of Hindi Assistant Gr.II, she was required to be reverted to the post of Junior typist in the scale of Rs.950-1500/-" because it is submitted that double adhoc promotion is not permissible."In the other words, adhoc promotion can be given only to one higher grade ~~as~~ only at any time. In the present case, the adhoc promotion had been given from the Gr.950-1500/- to Rs.1400-2300/- which amounts to a double ad hoc promotion. The feeder category post is on the pay scale of Rs. Rs.1200-2040/-. The applicant could have been given adhoc promotion to the grade Rs.1200-2040/- but not to the ~~next~~ ^{reach} higher grade Rs.1400-2300/-, which is a double ad hoc promotion.

4. We have heard the parties. The only issue before us is whether double ad hoc promotion ~~as~~ as ~~described~~ ~~directed~~ above can or can not be given. We are of the view that so long as a person has the necessary basic qualifications-which is not the same thing as the ~~totality~~ ^{eligibility conditions prescribed for regular promotion - if} ~~eligibility~~, there is nothing in law which prevents government from giving a double ad hoc promotion, if the ~~existing~~ exigencies of services so requires.

5. This can be explained better by considering the qualifications ^{as} ~~specified~~ in the ~~notified~~ ^{ce} dated 9.9.92 of the respondents (Annexure R/2) in regard to selection for the post of Hindi ~~as~~ Assistant GradeII. i.e. the post to which the applicant was promoted on ad hoc basis. The ~~eligibility consideration~~ and qualification

are as follows : -

" The staff of any department who have completed more than 3 years continuous services in Grade Rs.1200-2040/- (RP) as on 31.8.92 or working in Grade Rs.1200-2040/- (RP) as on 31.8.92 on regular basis including 3 years continuous services in Grade Rs.950-1500 (RP) as per GM(E)-CCG'S letter No.P.S.No.40/89 dated 16.2.88, and the candidates who are B.A. with Hindi as an elective subject & English subject of Graduate Degrees or Diploma in Hindi ~~or~~ equivalent to or higher than the B.A. Standard are only eligible to apply and appear for above selection."

It does not need much argument to hold that, out of all the qualifications, the basic qualification is knowledge of Hindi & B.A. Standard. The others are not basic, for if one does not have knowledge of sufficient knowledge of Hindi, one cannot do justice to the ~~xxxx~~ ^{cited.} ~~job~~ of Hindi Assistant. The same cannot be said with equal emphasis about the other qualifications. Other examples can be either A Police Head Constable knows something about ~~public~~ ^{police} work. He may, therefore, be given ad hoc promotion as a Circle Inspector which is 2 or 3 grades above. But a Senior Accountant in the ~~xxxxxx~~ office of the Supt. of Police who is on a higher pay scale than the Head Constable, may not be preferred for the ad hoc appointment as Circle Inspector. The Head Constable has the basic qualification of knowledge of ~~public~~ ^{police} work ~~which~~ while the Senior Accountant does not have this basic qualification.

6. It would have been a different matter if the applicant is totally unqualified in the sense that he does not have ~~been~~ even have any knowledge of Hindi. In such a situation, granting of ad hoc promotion is questionable and a supervisory officer can revert him, if it comes to his knowledge. The promotion can also be assailed by other eligible claimants.

7. However, in the present case, we notice that not only does the applicant have the necessary basic qualification but the applicant has a long service to ^{her} credit as Hindi Typist and Senior Hindi Typist and as a matter of fact, she had also worked on ~~in~~ ^{Dokar} ~~dated~~ in before she came on a request transfer to Baroda, thereby losing her seniority in her cadre and becoming junior most in the grade Rs.950-~~1500~~

8. In the circumstances, we are satisfied that the apprehension entertained by the respondents that the double ad hoc promotion given to the applicant is illegal is not warranted and is without any basis whatsoever. As the reversion has been made only on this ground, the impugned order has to be ~~en~~ quashed and we do so.

9. We make it clear that this *finding* cannot come ⁱⁿ ~~on~~ the way of the respondents in filling up of this post in whatever manner they like. We only give a declaration that the Annexure A/1 order of ad hoc promotion given to the applicant can not be faulted

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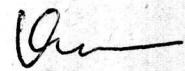
In the circumstances, the respondents are directed
to reinstate the applicant ~~on an~~ ad hoc ~~as~~ Hindi
Assistant ~~Post~~ with ~~from~~ ^{as} immediate
order will not confer any rights on the applicant,
The application is disposed of with this declaration.

As I direction

Rewal

(R.C.Bhatt)

Member (J)



(N.V.Krishnan)

Vice Chairman