

(8)

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

O.A. 36/92

DATE OF DECISION :- 14.10.99

Mr. Balubhai G. Leuwa : Petitioner [s]

Mr. K.K.Shah : Advocate for the petitioner [s]

Versus

Union of India & ors : Respondent [s]

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

CORAM

THE HON'BLE MR. V.RAMAKRISHNAN : VICE CHAIRMAN

THE HON'BLE MR. A.S.SANGHAVI : 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 ? ✓

Balubahi G. Leuwa,
385/2139 Shiv Shakti Apt.,
Gujarat Housing Board,
Chandkheda, Dist : Gandhinagar,
(Advocate : Mr. K.K. Shah)

VERSUS

1. Union of India, notice to be
served through the General Manager,
Western Railway, Churchgate,
Bombay-400 020.
2. Chief Works Manager,
Engineering Workshop,
Western Railway, Sabarmati,
Ahmedabad.
(Advocate : Mr. N.S. Shevde)

Date : 14.10.99

ORAL ORDER
O.A. No. 36 of 1992

PER : HON'BLE MR. V. RAMAKRISHNAN : MEMBER (A)

Heard Mr. K.K. Shah, for the applicant and Mr. Shevde, for the respondents.

2. The applicant, who belongs to the S/C, holding the post of Officiating Deputy Shop Superintendent (Foundary) on adhoc basis from 1.8.89, has challenged the order dated 19.12.91 as at Annexure A which reverts him to the post of Chargeman 'A' on the ground that he had not qualified in the selection for the post of Dy. Shop Superintendent. The applicant was promoted, against the shortfall for S/C candidates on this post and was given adhoc promotion against the same. The applicant was given pre-selection training, so

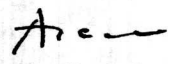
as to qualify him to fill the post of Dy. SS (TMS Group) but he had not qualified. The Tribunal vide order dated 31.1.92, had directed to maintain status quo of the applicant. Mr. Shevde states that he was reverted to the lower post prior to interim order and submits that he was officiating as Chargeman-A. We also note that the Tribunal vide order dated 22.7.92, had referred to the controversy, in this regard. Mr. Shevde states that the applicant had been reverted to the lower post prior to the issue of the interim order dated 31.1.92. However, he has since been appointed to the post of DSS with effect from 1.3.93.

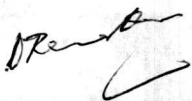
We record the statement of Mr. Shevde.

3. The main ground, as per the applicant in support of the O.A., is that the post against which, he was promoted on adhoc basis was on account of shortfall for the S/C candidates and in the context of the Special Concessions and particularly relaxed standards available for S/C candidates, he should have been given regular promotion, and he should not have been reverted to the lower post. Mr. Shevde says that the relaxed standard is not admissible for Safety category posts as per the Railway board's letter dated 13.11.81. Mr. Shevde refers to the master circular of the Railways, to the circular P.S. No. 247/90 No. EP/1025/0 Vol. IV dated 20.5.91 issued by the Head quarter, particularly para 3.8.1 of the circular, which says that there is no relaxation admissible for S/C in respect of posts in the Safety Category and both general as well as SC/ST candidates have

to secure minimum of 60% of the total marks. Mr. Shevde further submits that these rules are followed by the Railway in respect of selection.

4. We note the submissions of Mr. Shevde that the applicant has^e since been promoted with effect from 1.3.93. In the light of the position brought out by Mr. Shevde that the relaxation of standard is not admissible to the post in Safety Categories, we hold that the applicant can not claim, as a matter of right that he should be promoted to the higher level, even though, he had already been given training to face the selection, but failed in the selection. We find no merits, in this O.A. O.A.ⁿ dismissed, with no order as to costs.


(A.S. Sanghavi)
Member (J)


(V. Ramakrishnan)
Vice Chairman