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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

(6)

O.A. No. 603 of 1995

Cuttack, this the 31st day of July, 1996

Corum :

1. Hon'ble Mr. Justice A.K. Chatterjee, Vice-Chairman
2. Hon'ble Mr. N. Sahu, Administrative Member

Karuna Patnaik, aged about 53 years, son of
late Narsu Patnaik, at/PO-Krishnachandrapur,
Dist-Mayurbhanj, at present working as Deputy
Shop Superintendent, Carriage Repair Shop,
South Eastern Railway, at/PO-Mancheswar,
District:Khurda

..... Applicant

By the Advocate

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Mr. B.S. Tripathy

Versus

1. Union of India, represented by the
General Manager, South Eastern Railway,
Garden Reach, Calcutta, West Bengal.

2. Chief Workshop Manager,
Carriage Repair Workshop, South Eastern
Railway, at/PO-Mancheswar, Dist:Khurda.

3. Assistant Personnel Officer,
Carriage Repair Workshop, South Eastern
Railway, at/PO-Mancheswar, Dist:Khurda

..... Respondents

By the Advocate

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Mr. D.N. Mishra

Heard on : 27.6.1996

O R D E R

A.K. Chatterjee, VC

The applicant while working as Chargeman 'A' was promoted as a Deputy Shop Superintendent temporarily on an adhoc basis by an order dated 1.3.94 against 20% vacancies kept reserved for candidates recommended by the Railway Recruitment Board, with the stipulation that promotion was subject to the condition that he would be reverted as and when Railway Recruitment Board empanelled candidate would report for



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appointment. In this application filed on 29.9.95, the applicant challenges the order of reversion dated 26.9.95, whereby he was reverted to the post of Chargeman 'A' even though no candidate empanelled by Railway Recruitment Board had reported for appointment.

2. The respondents contest the application stating that in the exigencies of service and for urgent manning ^{of} the post of Deputy Shop Superintendent, the applicant was promoted purely on adhoc basis against 80% departmental quota and in order to regularise his service as such in the said quota, he was called to a test but he could not succeed, which was the reason why he was reverted. The order of promotion also specifically stated that the promotion order could be cancelled, modified or amended at any time without assigning any reason.

3. We have heard the Id.Counsel for both the parties and have perused the records before us. The bone of contention of the applicant was that since no candidate sponsored by Railway Recruitment Board had reported for appointment, his order of reversion was illegal. It is difficult to sustain this contention because ^a person appointed temporarily on an adhoc basis has no vested right to continue and nothing stands in the way of reversion, specially because in the promotion order, it was also stated that it could be modified, cancelled etc. at any time without assigning any reason. Thus, by no stretch of imagination can it be successfully argued that the applicant had a right to continue in the post of Deputy Shop Superintendent till a candidate empanelled by Railway Recruitment Board reported for appointment.

4. The respondents had no doubt assigned a reason for reversion namely that he could not qualify in the test held to regularise his service as Deputy Shop Superintendent against 80%

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departmental quota. Thus, he was found unfit for such post and if, therefore, he was reverted, there was adequate reason for reversion, even though it was not necessary to assign any. The contention of the applicant that no adverse remark was ever conveyed to him while he was working as Deputy Shop Superintendent, is of no consequence because it was quite possible that the applicant may be reverted even though there was no adverse remarks, particularly when he has failed to qualify in the prescribed written test.

5. Thus, we see no merit in the application, which is rejected. No order is made as to costs.

N. Sahu
(N. Sahu) 31/7/46
Member(A)

A.K. Chatterjee
(A.K. Chatterjee)
Vice-Chairman