

CENTRAL ADMINISTRATIVE TRIBUNAL: LUCKNOW BENCH

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Friday the 19th day of May 2000 (19-5-2000)

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PRESENT

The Hon'ble Shri D.V.R.S.G.DATTARAYulu, M.E.B.E.(J)
and

The Hon'ble Shri S.MANICK.NASAAM, M.E.B.E.(A)

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O.A.No: 623 of 1992

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O.P.Goyal .. Applicant

Vs.

1. Union of India through
General Manager
Northern Railway, B roda House, New Delhi

2. The Chief Administrative Officer
Central Organisation for MODERNISATION Workshops
Indian Railways
Tilak Bridge, New Delhi

3. The Chief Works Manager, Northern Railway
Locomotive Workshop, Char Bagh, Lucknow

4. The Principal, Supervisory Training Centre,
Northern Railway, Charbagh, Lucknow

.. Respondents

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1/s N.K.Agarwal
K.P.Srivastava
Ratnesh Lal .. Advocate for the applicants

Mr.A.K.Chaturvedi .. Advocate for the respondents

Order Pronounced by the Hon'ble Shri S. MANICKAVASAGAM
NUMBER (A)

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The applicant was working as a Lecturer in the year 1986 (Rs.700-900) in the Systems Technical School (later on renamed as Supervisory Training, ^{Centre} School), Lucknow. It is his grievance that he was served with an order dated 18.6.1986, referring him to the grade of Rs.550-750. It is further stated that his selection to ^{the} grade of Rs.700-900 was cancelled through an earlier proceeding dated 12.3.1986. When he represented the matter to the authorities, his request was turned down - vide letter dated 25.11.1991. It is under these circumstances the applicant has come before the Tribunal seeking to quash the three impugned orders and to direct the respondents to regularise him as Sr. Lecturer in consequential the grade of Rs.700-900, with all service and monetary benefits.

2. The respondents have filed a detailed reply resisting the claim of the applicant. It is stated that the applicant was initially appointed as a Laboratory Assistant on 7.1.1958 in the pay scale of Rs.60-150 in the Systems ^{Technical School} Training Centre which is now renamed as Supervisors Training Centre. The applicant was later promoted to officiate as Asst. Lecturer (Rs.425-700) with effect from 1.1.1970. It is stated that the qualification for the post of Lecturer/Sr. Lecturer is a degree in Engineering or equivalent and for the post of Asst. Lecturer it is B.Sc(Physics) with 3 years experience or a diploma in Mechanical Engineering with 3 years experience. The applicant is only a post-Graduate holder in Sociology.

3. It is further stated that the applicant was granted one time relaxation in respect of his educational

qualification for the post of Lecturer(Rs.550-750).

It is also stated that he was wrongly allowed to officiate as a Sr.Lecturer with effect from 22.10.1983 and later on the applicant was reverted with effect from 18.6.1986.

It is also stated that the applicant had retired on attaining the age of superannuation on 31.10.1992.

4. We have heard the learned counsel for both sides and perused the records.

5. The short point for consideration is whether the respondents are justified in reverting the applicant from Sr.Lecturer(Rs.700-900) to the grade of Lecturer(Rs.550-750) or not. It may be noted that the condition relating to educational qualification was relaxed when the applicant was promoted to the post of Asst.Lecturer(Annexure A-4). After working in the grade of Lecturer for about 6 years his case was considered for filling up the post of Sr. Lecturer and was promoted to the grade of Rs.700-900. In this connection it is pertinent to mention that the respondents were aware that the applicant was not qualified as per the prescribed standards. But one time relaxation with regard to educational qualification was given in ~~circumstances~~ favour of the applicant. It is under these ~~the~~ the applicant Sr. was posted as Lecturer in the grade of Rs.700-900 with effect from 22.10.1983.

6. It may be noted that while examining the case of ad hoc appointments the Railway Board had issued directions - vide their letter dated 21.5.1966 that the ad hoc appointments should not be allowed to continue beyond 12 months and in any case not beyond 18 months. It is further mentioned that on completion of 18 months either the persons should be declared suitable for retention in the ~~exact~~ grade or should be reverted because of his/her unsuitability. Further, any person who is permitted to continue satisfactory work of more than 18 months will be confirmed.

In the instant case we find that the applicant was promoted to the grade of Rs.700-900 with effect from 22.10.1993. Therefore the 18 months period was over by April 1985^{as per the Railway Board's circular cited supra}, the applicant is deemed to have been confirmed in that post since he continued beyond 18 months in the post of Sr.Lecturer. Therefore, the order of the respondents in reverting the applicant by a letter dated 18.6.1986 is without any basis, ^{arbitrary} and contrary to the instructions of the Railway Board on the subject.

7. In the light of the discussion above we hold that the applicant succeeds and the following orders are passed:-

(a) The impugned orders dated 18.6.1986, 12.3.1986 and 25.11.1991 are set aside.

(b) The applicant is entitled for arrears of pay and allowances and arrears arising out of revision of retiral benefits. The arrears arising out of the above counts shall be paid to the applicant within three months from the date of receipt of a copy of this order by the respondents.

8. The OA is allowed to the extent indicated above with no order as to costs.

S. Manickwasam
(S. MANICKWASAM)
M.E.BER(A)

D.V.R.S.C. DATTARAYulu
(D.V.R.S.C. DATTARAYulu)
M.E.BER(J)

19-5-2000

nks: