

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

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Original Application No. 312 of 1989 (L)

this the 27th day of February, 1996.

HON'BLE MR V.K. SETH, ADMN. MEMBER
HON'BLE MR D.C. VERMA, JUDICIAL MEMBER

Balai Prasad, aged about 46 years, S/o Sri Sukai Ram
R/o Village & Post Abboopur, District Barabanki.

2. Karuna Shanker, aged about 43 years, S/o
Sri Ram Narain, R/o Village Salauli, P.O. Mehmoodpur,
District Lucknow.

Applicant

By Advocate : None

Versus

Union of India through the Secretary, Railway Board
Rail Bhawan, New Delhi.

2. Divisional Railway Manager, North Eastern
Railway, Ashok Marg, Lucknow.

Respondents

By Advocate : None

O R D E R

D.C. VERMA, MEMBER (J)

Balai Prasad & Karuna Shanker filed this
O.A. with the prayer that the order of reversion
dated 12.10.1988 (Annexure-3 to the O.A.) reverting
the applicants from the post of Shunting Jamadar
to the post of Shunt man, be quashed. The other



6. As per the pleadings brought-out on record, the post of Shunting Jamadar was a selection post for which the selection test was held before the promotion. Though, in his O.A., the applicant No. 1 Balai Prasad has claimed that he passed the training of Shunting Jamadar in 1982, but the respondents have in their Counter affidavit stated that the applicant had appeared in selection test but could not succeed. The applicant Balai Prasad, it is stated in the Counter affidavit, was not sent for training also. Promotion de-hors the Rules on adhoc basis would not give rise to any right to retain the said post. It is apparent from the impugned order (Annexure-3) that on the basis of selection test, the selected candidates were given promotion. Those, including the applicant Balai Prasad, who failed in that selection, but were holding the post on adhoc basis were reverted back to make place for the selected candidates. The impugned order is perfectly in accordance with the Rules and the applicant cannot blame, if juniors who got selected in the said selection, were promoted by the said order. To support the claim that applicant Balai Prasad cleared selection, no document has been filed with the O.A. or with the Rejoinder affidavit filed subsequently.

7. In view of the discussions made above, the O.A. has no merit and is dismissed. Costs on parties.

~~Deputy~~
MEMBER (J)
LUCKNOW: DATED: 07th feb 1996
GIRISH/-

MEMBER (A)