

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH  
Lucknow this the 10th Feb., 1997

O.A. No. 81/90

Niwas Narain Misra aged about 56 years, son of late Shri Dhar Misra resident of 21, Charas Mandi behind Kurshed Bagh, Lucknow.

2. Har Dutt Singh, aged about 56 years son of late Chatra Pal Singh resident of 22, Durvijaya Ganj, near Jhandewala Crossing, Raniganj, Lucknow.

Applicants.

By Advocate: None

versus

1. Union of India through General Manager, N. Railway Baroda House, New Delhi.

2. Senior Divisional Personnel Officer, N. Railway Hazratganj, Lucknow.

3. Divisional Personnel Officer, N. Railway, Hazratganj, Lucknow.

Respondents.

For respondents Shri Anil Srivastava.

2.O.A. No. 375/90

Ram Kumar aged about 42 years, son of Sri Alakh Kumar, resident of LD-130, Sleeper Ground Alambagh, Lucknow.

~~Respondents~~

Applicant

versus

1. Union of India through G. M. N. Railway, Baroda House, New Delhi.

2. Senior Divisional Personnel Officer, N. Rly. Hazratganj, Lucknow.

3. Divisional Personnel Officer, N. Railway, Hazratganj, Lucknow.

Respondents.

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. V.K. SETH, MEMBER(A)

ORDER (ORAL)

HON. MR. JUSTICE B.C. SAKSENA, V.C.

When the case was called out none appeared for the applicants, neither any request was made on behalf of the applicant. We have heard the learned counsel for the respondents.

2. The applicants, through this O.A. challenge the order dated 11.12.89 by which the selection for the post of CPS/CBS/CCS was notified to be held. The applicants claim is that he had already been promoted to officiate purely on <sup>ad hoc</sup> pending selection and since he continued to officiate for a period of more than 18 months, without subjecting him to a written test, he may be deemed to have been regularly selected for the said post giving benefit accordingly. The claim purports to be supported by the Railway Board circular contained in Annexure 6. We have gone through the said circular, but we do not find that it provides for any deemed regular promotion for an incumbent who had been given ad hoc promotion on local and tentative basis. The said circular provides that since a person cannot continue for 18 months unless his work has been satisfactory, it only provides that <sup>certain</sup> ~~certain~~ incumbent may not be reverted on completion of 18 months of officiating period. Thus, the basis for the claim is clearly unfounded. The Railway Board circular does not provide for the same. The circular has also come up for clarification in

Jethanand's case and other subsequent cases. We are not persuaded that any claim for the relief claimed is made out. The O.A. is accordingly dismissed. Consequently, the connected O.A. No. 375/90 is also dismissed. No order as to costs.

MEMBER(A)

VICE CHAIRMAN

Lucknow; Dated: 10.2.97.

Shakeel/