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CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

T.A. NO.1116/87

(Writ Petition 469/83)

Christopher Bara

Petitioner

versus

Union of India and others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.B. Gorthi, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who was promoted on adhoc basis as Office Superintendent on 20.11.80 from the post of Senior Clerk, was reverted vide order dated 22.12.82, against which he filed writ petition before the High Court (Lucknow Bench), by operation of law the said writ petition has been transferred to this Tribunal.

2. The applicant was appointed as Junior Clerk and after getting promotion to the post of Senior Clerk in April, 1980, he was called for written test in July, 1980 to be held in Gorakhpur for promotion to the post of Office Superintendent Grade II in the pay scale of Rs 550-750. The applicant appeared in the written test

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and viva voce conducted by the Selection Committee. According to the applicant the result of the said selection was declared and his name was included in the list and after preparation of panel dated 22.11.80 the applicant was promoted to the post of Office Superintendent Grade II under the orders of General Manager but on 22.12.82 he was reverted and that is why he challenged the said reversion order. According to the applicant, being a member of Scheduled Caste and in view of the circulars of the Government of India he should not have been reverted, and further no warning was given to the applicant and after completion of more than two years, when no disciplinary proceedings were initiated against him, as such he could not have been reverted. Juniors to the applicant are working and yet he has been reverted. The benefit of reservation was not given to him.

3. On behalf of the Railway administration the record has been produced. In the counter affidavit it has been

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stated that earlier selection for Office Superintendent was made only on adhoc basis and trial basis. It was made clear in the order itself. Subsequently, selection to the post took place and the applicant offered himself for the said examination. He succeeded in the written examination but could not succeed in the viva voce and therefore, he was reverted and persons selected were to be appointed. The post was a selection post and the question of seniority could not be raised by the applicant.

4 . From the record it is found that the applicants dated 31.8.74

work was not satisfactory. The circular/on which

reliance has been placed, speaks of sympathetic

consideration and sympathetic consideration does not

mean that the applicant should be promoted even if

otherwise he is not suitable, i.e. his work is not

satisfactory. So far as the circular dated 21.1.66

is concerned regarding non reversion it states that

it does not apply to those officiating on promotion

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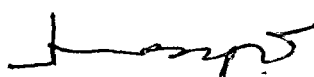
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lapse of 18 months because of cancellation of Selection Board proceedings or due to a change in the panel position consequent to rectifying of mistake in seniority list, and also those next below selected has to be reverted after a lapse of 18 months.

5. Even if the applicant has completed 18 months he cannot escape reversion. However, in case regularly selected candidates have not joined, the applicant should not have been reverted but in case the applicant has already been reverted the applicant will be given additional chance by the <sup>Railway</sup> Administration for qualifying the said examination and he may be promoted in respect of available vacancy.

6. The application is disposed of as above with no order as to costs.

  
Adm. Member.

  
Vice Chairman.

Shakeel/

Lucknow: Dated: 25.5.92.