

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
 Circuit Sitting at Aurangabad  
 NEXWXXDXXXXXX

O.A. No. 198  
 T.A. No. 11/87.

DATE OF DECISION 19/7/1988

Shri Ganpat Gowriah Petitioner

Shri M.M.A. Momin, Advocate for the Petitioner(s)

Versus

The General Manager, S.C.Rly. Respondent  
 Secundrabad.

Shri S.R. Barlinge, Advocate Advocate for the Respondent(s)  
 (for Shri V.G. Rege) for the  
 Respondents.

CORAM :

The Hon'ble Mr. B.C. Gadgil, Vice-Chairman

The Hon'ble Mr. P. Srinivasan, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*

2. To be referred to the Reporter or not?

3. Whether their Lordships wish to see the fair copy of the Judgement?

4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT SITTING AT AURANGABAD

Tr.11/87

Ganpat Gowriah,  
Senior Gangmen,  
South Central Railway,  
JALNA.

.. Applicant

vs.

General Manager,  
South Central Railway,  
Secundarabad.

.. Respondent

Coram: Hon'ble Vice-Chairman Shri B.C.Gadgil  
Hon'ble Member (A) Shri P.Srinivasan.

Appearances:

1. Shri M.M.A. Momin  
Advocate for the  
Applicant.
2. Shri S.R. Barlinge  
Advocate (for Shri  
V.G. Rege, Advocate)  
for the respondent

ORAL JUDGMENT

Date: 19-7-1988

(Per Shri B.C.Gadgil, Vice Chairman)

The applicant has filed a Writ Petition  
in the High Court and it is transferred to this Tribunal  
for decision.

2. The applicant is a railway employee  
working under the South Central Railway. He joined  
service in 1965 as a Gangman and later on he has been  
promoted as Senior Gangman. From the reply filed by  
the respondent it appears that the ladder of promotion  
for Gangman is Senior Gangman, Keyman, Gangmate and  
P.W.Mistry. The applicant was promoted on adhoc  
basis as P.W.Mistry by an order dtd. 27-1-1983/8-3-83  
vide Exhibit.II of the reply. He worked in that  
capacity for about three years and then he was  
reverted to his original post as Senior Gangman on  
18-3-1986. It is this reversion that is being challenged

*Reh*

... 2/-

before us. The contention of the applicant is that on 5-1-1982 the department has issued a circular making an exception to the normal ladder of promotion as the department was finding it difficult to get qualified persons for filling the post of P.W.Maistries. The procedure contemplated that Gangmates and Keymen should be considered first according to the recruitment rules putting through a written test and that if sufficient number of Gangmates and Keymen were not found fit for promotion then applications would be called from Gangman who would also be examined in the same manner. It was also submitted that the applicant <sup>was</sup> ~~has~~ given some training in 1978 and thereafter he was promoted to the post of P.W.Maistry on adhoc basis.

3. The respondents resisted the claim of the applicant. They contented that the applicant was promoted on adhoc basis to <sup>work charge</sup> post and it was necessary to revert the applicant as soon as the said work was over. It was further contented that the orders or circular dtd. 5-1-1982 was not applicable to the applicant inasmuch as the applicant was not promoted to that post after putting him to a screening test as contemplated by the circular.

4. It will be necessary to note the order of adhoc promotion of the applicant that was issued on 27-1-83. It says that the applicant was promoted purely on adhoc basis in connection with the welding work only for a period of six months. That order further states that the above officiating arrangement will terminate immediately when the welding work is completed. It is true that the applicant has worked for more than six months. However, that would not make any difference particularly when the order itself shows that the promotion of the applicant was a sort of working arrangement till the welding work

was to be over. It may be noted that the applicant has been given training in 1978. He has not passed the written test at the time when he was promoted. It would not therefore be possible to connect the adhoc promotion of the applicant with the order dtd. 5-1-1982 and the applicant would not be able to get the advantage of the said circular dtd.5-1-82.

5. Shri Momin drew our attention to the fact that even after the reversion of the applicant his immediate superiors were keen on seeing that the applicant gets the promotional post and ~~for that purpose he was~~ allowed to take the written test prescribed for such promotion. His grievance is that inspite of this recommendation the applicant was not permitted to take the said written test. Mr. Barlinge submitted that this was done as the applicant was not eligible to ~~have~~ <sup>take</sup> the written test as he was not a Gangmate or Keyman which ~~should~~ <sup>were</sup> be the feeder post for the post of P.W.Maistry. We do not intent to consider this aspect in detail inasmuch as it would be for the department to consider as to whether the applicant who has put in three years of service as P.W.Maistry should be permitted to take the written test for the post of P.W.Masitry. All that we can say that this is a case where the department may, if it so chooses, take a favourable view of the case of the applicant as it appears to be a hard case of a person who belongs to <sup>a</sup> Scheduled Caste.

6. With this observation the application is disposed of with no order as to costs.

*B.C. Gadgil*  
(B.C.GADGIL)  
Vice Chairman

*P. Srinivasan*  
(P.SRINIVASAN)  
Member(A)