

(4)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.677/87

Yashwant Ramchandra Dhuri,
C/o.G.S.Walia,
Advocate High Court,
89/10, Western Railway Employees
Colony, Matunga Road,
Bombay.

.. Applicant

vs.

1. Union of India
through
General Manager
Western Railway,
Churchgate,
Bombay - 400 020.

2. General Manager,
Western Railway,
Churchgate,
Bombay - 400 020.

3. Chief Claims Officer,
Western Railway,
Churchgate,
Bombay - 400 020.

4. Chief Personnel Officer(Admn.)
Western Railway,
Churchgate,
Bombay - 400 020.

.. Respondents

Coram: Hon'ble Shri Justice U.C.Srivastava,
Vice-Chairman.

Hon'ble Shri M.Y.Priolkar,
Member(A)

Appearances:

1. Mr.G.S.Walia
Advocate for the
Applicant.

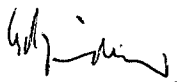
ORAL JUDGMENT:
(Per U.C.Srivastava, Vice-Chairman)


Date: 20-8-1991

The applicant who was a Law Assistant was promoted as Chief Law Assistant on ad hoc basis in the year 1983. It appears that he also appeared for the examination and in the panel he was placed at Sr.No.8. As a result of restructuring in view of the Railway Board's circular, the cadre was divided into two viz. 45% of the posts in the scale of Rs.550-750 and 55% posts in the scale of Rs.700-900. The posts in the scale of Rs.550-750 was designated as Law Assistant and the post in the scale of Rs.700-900 was designated

as Chief Law Assistant. Accordingly there are 14 posts of Law Assistants in the scale of Rs.550-750 and 18 posts of Chief Law Assistants in the scale of Rs.700-900. The applicant states that vide memorandum dtd. 11-5-1987 he was promoted to officiate as Chief Law Assistant on ad-hoc basis. After four months vide order dated 29-9-1987 the applicant was reverted to the post of officiating Law Assistant. His reversion order was passed on the ground that those who were senior to the applicant was not promoted while the applicant who is junior was promoted on ad-hoc basis and his promotion was wrong and that is why reversion order was passed.

2. Learned counsel contended that those who were senior to him may be in the panel but they have not qualified ~~xx xxx~~ to be appointed as Chief Law Assistant as they have not completed two years and without completion of two years they cannot be promoted and that is why the applicant was promoted on ad-hoc basis. Although this plea has been raised but necessary facts about others who have not completed two years although they were empaneled has not been stated. Even if it is accepted that they have not completed two years or otherwise not eligible and have been empanelled will obviously not ^{be} promoted in preference to the applicant and in case some employees who is not eligible have been promoted the applicant should be again re-appointed as Chief Law Assistant in preference to those who is not eligible from the due date or with retrospective dated. With this observation the application is disposed of. There will be no order as to costs.


(M.Y. PRIOLKAR)
Member(A)


(U.C. SRIVASTAVA)
Vice-Chairman