



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.473/91

Shri Kedarnath Pal  
Tulsiyadav Chawl,  
Post J.B.Nagar,  
Andheri (E),  
Bombay - 400 059. .. Applicant

-versus-

1. Union of India  
through  
General Manager,  
Western Railway,  
Churchgate,  
Bombay - 400 020.
2. Divisional Railway Manager,  
Western Railway,  
Bombay Central,  
Bombay - 400 008. .. Respondents

Coram: Hon'ble Shri A.B.Gorthi  
Member(A)  
Hon'ble Shri V.D.Deshmukh  
Member(J)

Appearances:

None for either  
side.

ORAL JUDGMENT: Date: 23-6-1993  
(Per A.B.Gorthi, Member(A))

None for either side. This case was earlier listed for hearing on 16-3-93 and 30-3-93. On both the said dates there was nobody for the applicant to press this application. Accordingly the case was adjourned for hearing today. Even now there is none for the applicant. We have therefore perused the material on record. The prayer in the

application is for a direction to the respondents to set aside the order dt. 13-12-89 by means of which the applicant was reverted from the post of Asstt. Yard Master to that of Sr. TNC.

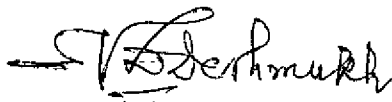
2. The applicant while working as Senior Trains Clerk was placed under suspension on or about 20.3.87. He was served with a chargesheet on 21.8.87. Thereafter an order was issued by the Goods Superintendent on 8-11-89 promoting the applicant to the post of Asstt. Yard Master in the scale of Rs. 1400-2300 (RP) purely on ad hoc basis. He was relieved on 25-8-89 and was allowed to take charge of the post of Asstt. Yard Master. The respondents however vide office order dt. 13-12-89 reverted him to the post of Senior Trains Clerk in the scale of Rs. 1200-2040. The contents of the applicant is that he had been duly promoted to the post of Asstt. Yard Master and it would not be proper for the respondents to revert him to his original post of Sr. Trains Clerk in the manner in which they did.

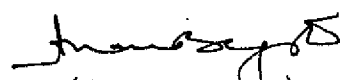
3. The respondents in their brief counter affidavit have clarified that the applicant was to be promoted as Asstt. Yard Master in the scale of Rs. 1400-2300 and accordingly vide order dt. 23-8-89 he was ordered to be promoted purely on adhoc basis. The said posting order categorically stated that "He should be relieved to report to CWM PL's office immediately subject to clearance of DAR/B & C case. Regular office order will follow." The applicant though fully aware of the fact that he was served with a charge memo and was facing a departmental

disciplinary proceedings, managed to get himself relieved from his office and thus assumed the higher post of Asstt. Yard Master. The respondents on coming to know about the full facts of the case reverted the applicant to the original post of Sr.TNC as his promotion during the pendency of the disciplinary enquiry was not in order.

4. Admittedly the promotion of the applicant was purely on adhoc basis. As Adhoc promotee does not have prospective right to hold the promotional post for ever. The applicant well knew that a departmental enquiry was pending against him. It is also clear that the promotion order itself specified the condition that the applicant could be relieved only if he gets clearance of DAR/B&C. Under these circumstances we cannot find fault with the respondents in ordering the reversion of the applicant to his original post of Sr.TNC.

5. The application is devoid of any merits and the same is hereby dismissed. There shall be no order as to costs.

  
(V.D.DESHMUKH)  
Member(J)

  
(A.B.GORTNI)  
Member(A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
BOMBAY BENCH, BOMBAY.

Review Petition No.101/93  
in  
Original Application No.473/91.

Kedarnath Pal. .... Applicant.  
V/s.  
Union of India & Anr. .... Respondents.

Coram: Hon'ble Shri B.S.Hegde, Member(J),  
Hon'ble Shri M.R.Kolhatkar, Member(A).

Appearances:-

Applicant by Shri C.M.Jha.  
Respondents by Shri N.K.Srinivasan.

Tribunal's Order :-

(Per Shri B.S.Hegde, Member(J)) Dt. 12.9.1994.

Applicant by Shri C.M.Jha. Respondents  
by Shri N.K.Srinivasan. We have perused the order  
of the Tribunal dt. 23.6.1993 wherein, it is clearly  
stated that the applicant is promoted to the post of  
Asstt. Yard Master and the Respondents on coming to  
know the fullfacts of the case reverted the applicant  
to the original post of Sr. TNC because certain  
disciplinary proceedings were pending against him.

2. The learned counsel for the applicant submitted  
that the applicant being fully exonerated in the year  
1993 and the application was disposed of without the  
presence of the advocate for the applicant, the matter  
may be re-opened.

3. After hearing the learned counsel for the  
parties we are convinced that the application is  
disposed of on merits. There is no merit in the Review  
Petition. Accordingly the Review Petition is dismissed.

*M.R.Kolhatkar*

(M. R. KOLHATKAR)  
MEMBER(A)

*B.S.Hegde*

(B. S. HEGDE)  
MEMBER(J).