

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH 'GULESTAN' BUILDING NO:6  
PRESCOT ROAD, BOMBAY:1

Original Application No. 279/93

Pronounced this 17<sup>th</sup> day of February 1997.

CORAM: Hon'ble Shri B.S. Hegde, Member(J)

Hon'ble Shri P.P. Srivastava, Member(A)

U.B. Tadv  
Chiefcatering Inspector,  
presently working as  
Assistant Commercial Manager  
(Catering) in the office of  
Chief Commercial Manager  
Western Railway, Churchgate  
Bombay.

... Applicant.

By Advocate Shri B.S. Thingore.

V/s.

Union of India through  
General Manager, Western Railway  
Churchgate, Bombay.

Chief Commercial Manager,  
Western Railway,  
Churchgate  
Bombay.

... Respondents.

By Advocate Shri N.K. Srinivasan.


ORDER

{ Per Shri B.S. Hegde, Member (J) }

Heard counsel for the parties.

2. The only prayer made in this O.A. is that the applicant ought to have been promoted in the scale of Rs. 1600 - 2660 against roster point No.17 instead the respondents have promoted General Candidate one Shri J.P. Ahuja against this roster point which is not valid and cannot be sustained. The respondents have raised preliminary objection that the application is hopelessly barred by limitation as the claim relates to the year 1979 and he has filed this O.A. in 1993

3. The learned counsel for the applicant submits that the applicant has made many representaions.

and the respondents have not replied so far, thereby it is a continued cause of action. However the respondents in their reply conceded and admitted that the said roster point was kept for ST candidate and by mistake it was given to Shri J.P. Ahuja, a general candidate on the basis of the short fall of SC/ST in the roster point. It was an administrative error and the same was rejected in view of Railway Board instructions dated 15.7.64 and accordingly both the employees (Shri J.P. Ahuja and U.B. Tadvi) were promoted on adhoc basis and no proforma fixation of pay is permissible in case of adhoc promotions. Both the employees were regularised with effect from 1.1.84 under restructuring. Shri Ahuja was promoted to the scale of Rs. 550-750/  Rs. 1600-2660(RP) on adhoc basis and had taken over charge physically with effect from 31.10.81 only on adhoc basis. No benefit can be granted against the adhoc promotions. Therefore the respondents contended that the impugned order issued by the respondents dated 23.3.92 is inaccordance with the Railway Board instructions . It is not the case that Shri Ahuja has been given proforma fixation of pay during the aforesaid period. Since both the employees have been promoted with effect from 1.1.84. The only subject matter for consideration is whether the proforma fixation should be given or not, As stated earlier, in the light of the Railway Board instructions both the employees have been given proforma fixation on the basis of the adhoc service, therefore the question of proforma fixation does not arise.

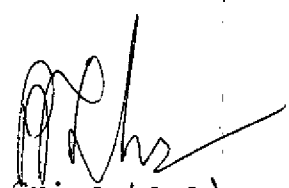
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(4.)

The learned counsel for the applicant has drawn out attention to the letter of the respondents dated 3.12.85 which only envisages as regards implementation of cadre re-structuring of catering department with effect from 1.1.84. Since all promotions which were ordered on adhoc basis due to various reasons are required to be regularised as per the existing rules and procedures step by step. After regularising all the adhoc promotions the eligible employees will be promoted against upgraded posts with effect from 1.1.84, While implementing the cadre restructuring the case of Shri Tadvi will be considered for his due promotion against upgraded posts. ~~The respondents~~ have implemented the scheme and had given the promotion to the applicant with effect from 1.1.84, since the performance fixation is not applicable to the adhoc promotion, granting the same at this stage does not arise.

(5.)

In the result we see no merit in the O.A. Accordingly the O.A. is dismissed.No order as to costs.

  
(P.P. Srivastava)  
Member(A)

  
(B.S. Hegde)  
Member(J)

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