

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 576/93
Transfer Application No.

Date of Decision : 18.7.95

A.M.Nagrala

Petitioner

Mr. M.Sudame

Advocate for the
Petitioners

Versus

PWI Cent.Rly & 4 ors.

Respondents

Mr.P.S.Lambat

Advocate for the
respondents

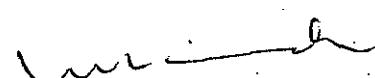
C O R A M :

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

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

(1) To be referred to the Reporter or not ?

(2) Whether it needs to be circulated to no other Benches of the Tribunal?


Vice Chairman

trk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, "GLESTAN" BUILDING NO.6
PREScot ROAD, BOMBAY 1

CIRCUIT SITTING AT NAGPUR

O.A.No. 576/93

Ashok Madhav Nagrale ..Applicant
v/s
Public Way Inspector
Central Rly, Hinganghat
& 4 other. ..Respondents

Coram: Hon.Shri M.S.Deshpande, V.C.

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

APPEARANCE:

Mr.M.Sudame
Counsel for the applicant
Mr. P.S.Lambat
Counsel for the respondents

ORAL JUDGMENT:

Dated: 18.7.95

(Per: M.S.Deshpande, Vice Chairman)

By this application the applicant challenges the order reverting him from the post of Painter on 5.5.93. The applicant was promoted as Painter Gr.III in grade Rs.950-1500 and

posted to work under PWI Hinganghat against the vacancy of Painter created under Decasualisation Scheme 1988 sanctioned on 20.2.1989. The said order which was passed by the Assistant Engineer contained an endorsement to the Senior DPO Nagpur requesting him to confirm the action as no Painter has been posted under PWI HGT and the post was sanctioned under decasualisation scheme. By the order passed on 5.5.93 the applicant was reverted to his initial post of Gangman Gr.Rs.775-1025 and posted to Unit IV under PWI Hinganghat with effect from 9.5.93. According to the applicant there is no complaint against him and he was working satisfactorily and he could not have been reverted to the lower grade and therefore challenges his reversion.

2. The respondents by the reply contended that the applicant was put to officiate locally by the Assistant Engineer in the relevant vacancy as a temporary arrangement only just to manage the work load under PWI Hinganghat. The post of Painter is a selection post which is filled in from the eligible candidates recommended by the Selection Committee and qualifies the trade test and one Arjun Baliram who was empanelled for the post of Painter from the panel prepared on 23.4.90 and that he was

appointed in 1989 and hence the applicant was junior to Arjun Baliram.

3. Mr. Sudame, Ld. Counsel for the applicant urged that neither the order promoting the applicant nor the one reverting him show that the applicant's appointment was temporary. All that we gathered from the submissions made by the Ld. Counsel is that it was a permanent post to which according to the respondents a temporary appointment was made though the order did not reflect this position. The order showed that the Assistant Engineer asked the Sr. DPO Nagpur to confirm his action as no Painter had been posted under the PWI Hinganghat. The Ld. Counsel for the applicant urged that the applicant had been appointed in 1977 and that he had qualified at the trade test before being promoted, but this statement is not to be found in the O.A. The seniority list which has been attached by the Respondents (Annexure R-1) shows that Arjun Baliram was appointed on 19.10.73 and was regularised as Khalashi on 6.9.77. Even if the statement of Ld. counsel for the applicant that the applicant was appointed in 1977 were true, Mr. Arjun Baliram who replaced him was senior to him. The temporary nature of the applicant's appointment is also apparent from

the note in the letter of promotion dated 21.11.89. The applicant obviously was not a regularly selected candidate for appointment and his temporary appointment will not bestow him with any right.

In the result we see no merit in the application, it is dismissed.



(P.P.Srivatava)

Member(A)



(M.S.Deshpande)

Vice Chairman