CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH,
JAIPUR.

A-1
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OA NO. 871/89
OA No. 872/89
OA NO. 873/89
OA NO. 874/89

Date of order : 15.10.92

1. OA 871/89

Ashok Chouhan

2. OA 872/89

Kul Bhushan

3. OA 873/89

Vasudev Chhabhani

4. OA 874/89

Charan Singh

Vs.

UNION OF INDIA & OTHERS.

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CORAM

HON'BLE MR.JUSTICE D.L.MEHTA, VICE CHAIRMAN.
HON'BLE MR.B.B.MAHAJAN, ADMINISTRATIVE MEMBER.

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PER HON'BLE MR.B.B.MAHAJAN :

The above applications involve common questions of fact thus being disposed of by this common order.

2. The applicants were working against Class IV post under the respondents. Vide notification dated 29.4.87 Annexure-A/3 they, alongwith others, were held eligible for appearing in the test for promotion to the post of Typist. They qualified the written test vide order Annexure-A/4 and were subsequently asked to appear in the typing test. Thereafter vide order dated 24.9.87 Annexure-A/5, they were promoted as Typist on ad hoc basis with the stipulation that on the availability of regularly selected candidates they will be reverted to the oritinal post. The result

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of the test was not declared. However, subsequently another notification was issued for holding a selection test for the post of Typist on 5.1.89 Annexure-A/6. The applicants submitted representations against holding of fresh selection test. Thereafter, the result of typing test held on 15.6.1987 was declared on 12.10.89 vide Annexure-A/1, and all the applicants were found unsuitable. Applicants filed the O.A.s apprehending the reversion on the basis of test. They have since continued on the post of Typist in view of the stay order issued by the Tribunal.

3. We have heard the counsel for the parties. We have also perused the record of the typing test held on 15.6.87 produced by the counsel for the respondents. As per the record of typing test, none of the applicants had qualified. Since the applicants have not qualified the typing test, they were not entitled to hold the selection post of Typist as held by Full Bench of the Tribunal in Jetanand case reported in 1989 (2) SLJ (CAT) 657. However, as held in that judgment itself by the Full Bench of the Tribunal, the applicants who have been working on ad hoc basis as Typist since 24.9.87, are not to be reverted and have to be allowed at least 3 opportunities, including the opportunity already availed of. It has subsequently also been held by the Full Bench in Suresh Chand Gautam vs U.O.I. (Full Bench Judgments Vol.II, p.487) that Railway servant who is allowed to officiate in higher post on temporary basis need not always be allowed at least 3 opportunities as per Jetanand case and that he can be reverted if necessiated by Administrative reasons such as appointment of regularly selected qualified candidates.

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3. In view of the above discussions, we allow the applications to the extent that the applicants shall not be reverted from the post of Typist which they are holding on ad hoc basi except by following the procedure under Disciplinary and Appeal Rules ~~or~~ unless they fail to qualify in 3 opportunities in the selection test, including opportunity already availed of, or unless the reversion is nececiated for giving appointment to regularly selected qualified candidates from promotion quota.

The parties to bear their own costs.

Sd/-
(B.B.MAHAJAN)
Admn.Member

Sd/-
(D.L.MEHTA)
Vice Chairman

Shashi/