

IN CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR.

O.A.No.1010/92

Dt. of order: 6.10.93

Khalil Khan

: Applicant

Vs.

Union of India & Ors.

: Respondents

Mr.B.M.Singh

: Brief Holder of Mr.J.K.
Kaushik, Counsel for resp.

Mr.Manish Bhandari

: Counsel for respondents

CORAM:


Hon'ble Mr.Justice D.L.Mehta, Vice Chairman

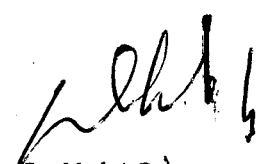
Hon'ble Mr.P.P.Srivastava, Member (Adm.).

PER HON'BLE MR.P.P.SRIVASTAVA, MEMBER (ADM.).

The applicant was initially appointed as Platform Porter on 3.6.1977. He was promoted as Assistant Guard on ad hoc basis after 1984. A test was held for promotion to the post of Assistant Guard on 29.1.84 and 26.2.84. The applicant appeared in the test but his name has not ^{been} found in the panel. Again a notification was issued on 29.12.87. The written test was conducted on 9.1.88 and 8.3.88. In this written test only eight persons have been declared successful and the applicant's name ~~was~~ ^{has} not shown in the list of the successful candidates. Aggrieved by this the applicant has prayed that the selection / result placed at Annx.A-6, may be set aside and the respondents may be directed to prepare the result in accordance with the seniority cum suitability basis. The notice of this O.A. has sent to the respondents who have submitted their reply. In their reply it has been stated that the post of Assistant Guard is a selection post and the selection is required to be held for the same. They have further mentioned that a notification was issued on 13.9.83 (Annx.R-1) and a final list of selection was issued on 8.10.84 (Annx.R-2). No doubt the applicant qualified the ^{written} selection test but could not qualify the viva voce test, therefore his name does not appear in the final

list. In the selection held on 9.1.88 and 8.3.88, the applicant did not qualify in the written test. The final list of the successful candidates dated 22.4.88 is placed at Annx.A-6. The applicant has continued on ad hoc basis to work as Assistant Guard, by an interim order dated 1.6.88, and the same interim order is in force up till now. We have heard the counsel for the parties. We have come to the conclusion that the post is a selection post and the selection is required to be held, therefore, the prayer of the applicant for treating it as a non-selection and seniority cum suitability post is not tenable and is rejected. However, since the applicant has worked for long time as Asstt. Guard on ad hoc basis, the respondents are directed to continue him on ad hoc basis till the selected candidates are available to fill the post which he is holding. The O.A. is disposed of accordingly. Parties to bear their own costs.


(P.P.Srivastava)
Member(A)


(D.L.Mehta)
Vice Chairman.