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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. No. 174/90

Dt. of Decision : 19.11.93

M. Abdul Gaffoor

. . Applicant.

Vs

1. The Union of India represented
by General Manager, South Central
Railway, Secunderabad.

2. The Divisional Railway Manager,
South Central Railway,
Guntakal.

. . Respondents.

Counsel for the Applicant : Mr. N. Ram Mohan Rao.

Counsel for the Respondents : Mr. NV. Ramana, Addl. CGSC

CORAM:

THE HON'BLE SHRI A. B. GORTHI : MEMBER (ADMN.)

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (JUDL.)

O.A. 174/90

Dt. of Decision : 19.11.93

ORDER

¶ As per Hon'ble Shri A.B. Gorthi, Member (Admn.) X

The claim of the applicant is that he should be regularised in the post of Passenger Driver with effect from 18.2.84 and on that basis, he be considered for the next promotion to the post of Mail/Express Train Driver.

2. The applicant joined service as a Foreman on 4.3.63. In 1970 he was promoted as Driver (C). He appeared for selection for promotion to the post of Passenger Driver. On 6.2.84 he was promoted on adhoc basis as Passenger Driver and ever since he ^{has} been continuously working in that post. A provisional seniority list of Drivers (A) (Passenger) was published on 25.2.85 and in the said list the applicant's name was shown at serial number 49. In another provisional seniority list communicated on 28.10.89, the name of the applicant was brought down to serial number 128. Aggrieved by the same he has represented to the authorities concerned but without any success.

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3. The respondents in their reply affidavit have stated that the applicant was alerted on 15.2.83 to attend the selection test for the post of Passenger Driver. Two hundred and sixty two employees including the applicant were to be tested/interviewed by a committee of officers on different dates, since all the Drivers could not be spared at the same time due to Administrative Exigencies. As selection process was in progress to fill up ~~certain~~^{the} vacancies, the respondents effected some adhoc promotions. As a result, the applicant was promoted in February '84 as an adhoc Passenger Driver. The adhoc promotion was not to confer any right to claim seniority on the basis of such promotion. The applicant could not be successful at the selection and hence his name did not figure in the panel of selected candidates, consequently his juniors were promoted. Applicant was however allowed to continue as a Passenger Driver purely on an adhoc basis. Subsequently when the next selection process was initiated the applicant appeared for the selection on 20.2.89, and was declared successful. In view of this the respondents regularised the services of the applicant as a Passenger Driver with effect from 21.9.89. The seniority of the applicant was accordingly reelected

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based on the date of his regularisation in the post of Passenger Driver. The respondents thus contend that the applicant's seniority in the grade of ~~Passenger~~ Driver was correctly shown, on the basis of his regularisation ^{promotion &} with effect from 21.9.89.

4. The applicant appeared for the selection test held in 1983-84 but was not successful there at. Promotion to the post of Passenger Driver ^{being} ~~be~~ & purely on selection, the applicant had no right to be promoted to that post on a regular basis. His promotion on an adhoc basis was ~~purely~~ as a stop gap measure and for Administrative Exigencies. The applicant having qualified at the stipulated test in 1989 was promoted on a regular basis as a Passenger Driver with effect from 21.9.89.

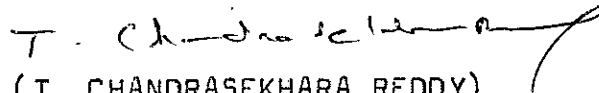
In these circumstances, we do not find any irregularity in the matter of fixation of seniority of the applicant. He cannot have any legitimate grievance, if ^{this &} ~~it~~ juniors who ^{were} ~~are~~ declared successful in the selection prior to him were promoted as Passenger Drivers earlier and were given seniority over him.


5. We have perused the record and heard the learned counsel for both the parties.

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6. We do not find any merit in the application and the same is dismissed. There shall be no order as to costs.


(T. CHANDRASEKHARA REDDY)
MEMBER (JUDL.)


(A.B. GORTI)
MEMBER (ADMN.)

Dated : The 19th November 93.
(Dictation in Open Court)

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Deputy Registrar (Judl.)

Copy to:-

1. The General Manager, South Central Railway, Union of India, Secunderabad.
2. The Divisional Railway Manager, South Central Railway, Guntakal.
3. One copy to Sri. N.Ram Mohan Rao, advocate, CAT, Hyd.
4. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

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5/11/93

O.A. 174/90

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (J)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER (A)

Dated: 19/11/1993

ORDER/JUDGMENT: _____

~~M.A./R.A./C.A. No.~~

O.A. No.

ⁱⁿ
174/90

T.A. No.

(- W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

☒ No order as to costs.

pvm

