

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA.1470/94

decided on : 7-12-94

Between

C. Subba Rao, : applicant
and

1. Divl. Railway Manager(P)
South Central Railway
Secunderabad Divn(BG)
Secunderabad

2. Chief Inspector of Works(East)
SC Railway (BG)
Secunderabad : Respondents

Counsel for the applicant : P. Krishna Reddy, Advocate

Counsel for the respondents : V. Bhimanna, SC for Railways

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER(ADMN.)

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, VC)

Heard Smt. P. Sarada, for Sri P. Krishna Reddy, learned counsel for the applicant and Sri V. Bhimanna, learned counsel for Railways.

2. The applicant was promoted from the post of Gangman to the post of Junior Clerk on adhoc basis as per order dated 21-12-1978. By the same proceedings many others were also promoted as Junior Assistants. In regard to the applicant and Sri B. Francis, it was ^{noted} as under in the said proceedings :

"They are promoted as Junior Clerks in Scale Rs.260-400 (RS) with the Administrative approval of Competent Authority purely on adhoc basis and these arrangements made for filling up the vacancies in the concerned posts are ~~on compassionate~~ candidates from RSC/SC and candidates ~~on~~ compassionate grounds directed by CPO/SC are available."

It is stated that the applicant is continuing as Junior Clerk on adhoc basis.

3. Order dated 30-11-1994 was issued reverting the former posts with immediate effect. The said order to the extent of reversion of the applicant is assailed in this OA.

4. It is stated for the respondents that the reversion of the applicant was ordered as R-1 directed regular selection for filling up vacancies which are now being manned by adhoc promotees.

✓

To

1. The Divisional Railway Manager(P) S.C.Rly,
Secunderabad Division(BG) Secunderabad.
2. The Chief Inspector of Works(East)
S.C.Rly, (BG) Secunderabad.
3. One copy to Mr.P.Krishna Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.V.Bhimanna, SC for Rlys, CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm

5. An adhoc appointee/promotee has to give way for regular appointees/promotees. But when the post is not abolished and when it is not stated that there is no sufficient work load to fill up the post, it is not just and proper to order reversion especially when the incumbent is working from the last 16 years merely because steps are going to be initiated for regular selection.

6. It is urged for the applicant that in view of the order dated 21-12-1978 the applicant can be reverted only in a case where the said post is filled by direct recruits selected by RR8 or by an appointee on compassionate grounds and he cannot be reverted when a regular promotee is available. We cannot accede to the said contention. There cannot be estoppel against law.

7. Hence, in the circumstances, it is just and proper

Order dated 30-11-1994 to the extent of reversion of the applicant is set aside. But he can be reverted as and ~~as~~ when regular appointee/promotee to the post of Junior Clerk is available or if the post is going to be

8. The OA is ordered accordingly at admission stage.

No costs. /

Rangarajan

(R. Rangarajan)
Member (Admn)

Neeladri Rao
(V. Neeladri Rao)
Vice Chairman

Dated : December 7, 94
Dictated in Open Court

Deputy Registrar (SDCC)

TYPED BY

cc by glata
9/12/94
CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI K.R.O
VICE-CHAIRMAN

AND
THE HON'BLE MR.R.RANGARAJAN : M(A.L.)

DATED: 7-12-1994

ORDER/JUDGEMTN:

M.A./R.A/C.A.No. 111

O.A.No. 1670/94

T.A.No. (w.p.)

Admitted and Interim directions
issued.

Allowed
Disposed of with directions. *at 11 am*
Dismissed. *admission slip*

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

