

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.705/96

dated : 18-6-96

Between

N. Appa Rao : Applicant

and

1. Chief Engineer(Construction)
South Central Railway
Secunderabad

2. Senior Divisional Personnel Officer
South Central Railway,
Vijayawada

3. Divisional Engineer(Construction)
South Central Railway
Vijayawada : Respondents.

Counsel for the applicant : P. Krishna Reddy, Advocate

Counsel for the respondents:

CORAM

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

Judgement

Oral Order (Per Hon. Mr. Justice M.G. Chaudhari, VC)

By order dated 3-11-1986 the applicant who holds the post of Store Watchman was promoted on adhoc basis in the existing work charged vacancy. The orders stipulated that the promotion was purely on adhoc basis and he was liable to be reverted at any time without intimation. After he had so continued for nearly 10 years in the promotional post, he was reverted by the order dated 23-2-96 on the ground that he was rendered surplus in the Construction organisation. The applicant filed a representation and by order in earlier OA i.e. OA.275/96 we ^{had} have directed the authority concerned to entertain and dispose the representation of the applicant. Thereafter by order dated 20-5-96

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the applicant is directed to be repatriated to his original substantive post of Compound Gangman with immediate effect, and was relieved on 20-5-96. This order is impugned in this OA. The impugned order is passed on the reasons recorded by the CE/C/3/SC obviously ~~the~~ on the representation of the applicant which was directed to be considered. The said authority has taken the view that the ~~repatriation~~ of the applicant is within the ambit of the extant rules and the applicant has no vested right to claim ~~the~~ continuation in the promotional post as his appointment was purely on adhoc basis and as he cannot be continued since the post is no longer required on workload construction for which reason he was rendered surplus and reverted to his original post.

2. Learned counsel for the applicant submits that the post is very much vacant and that ^{with} long experience of nearly 10 years, the applicant was fully qualified to be continued in the post of ~~gangman~~ on adhoc basis until a regular appointment was made and his claim for the same was also ~~been~~ duly considered. The learned counsel further argued that the ~~the~~ ground given by the respondents in support of their action that the applicant has been rendered surplus and there is no sufficient work to continue him in the construction wing is an example of bad economic policy and fruitless and purpose-less action. Relying upon the decision of the Supreme Court in AIR 1990 SC 371 (Bhagwati Prasad Vs. Delhi State Mineral Development Corporation), learned counsel emphasised the fact that the applicant had been working in the post ever since 3-11-1986 and deserves to be continued in the same post ^{as long as} until the vacancy was available.



4. The submission urged by the learned counsel, no doubt are weighty. This, however, can at best ^{erolve} invoke equitable consideration. That, however, stands offset by the reasons that adhoc appointee has no vested right to claim continuation in the promotion ^{al} post and he cannot refuse to go back to his original substantive post if so ordered for which even any reasons ^{would be} could not necessary to be given. The question as to whether the workload presently existing in the construction organisation requires certain staff to be maintained ^{or} rendered surplus is essentially a decision for the authority concerned to take and it is not open to the Tribunal to enquire into that aspect. The impugned order, therefore, cannot be regarded arbitrary, as it is based on reasons that have been given and it cannot be said to be unreasonable. We therefore find it difficult to see any grievance of the applicant that can be removed in this OA.

5. In the result, the OA is summarily rejected.

1. Rajendra Prasad
(H. Rajendra Prasad)
Member (Admn.)

M.G. Chaudhary
(M.G. Chaudhary)
Vice Chairman

Dated : June 18, 96
Dictated in Open Court

AO/DRH 26/6/96
Deputy Registrar (CC)

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OA 705/46

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To

1. The Chief Engineer(Construction),
SC Rly, Secunderabad.
2. The Senior Divisional Personnel Officer,
SC Rly. vijayawada.
3. The Divisional Engineer(Construction)
SC. Rly, vijayawada.
4. One copy to Mr.P.Krishna Reddy, Advocate, CAT.Hyd.
5. One copy to Mr, .. SC for Rlys, AT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm.

4/7/96
I COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 8-6 -1996

ORDER/JUDGMENT

M.A./R.A/C.A.NO.

in

O.A.No. 595/96 705/96

T.A.No.

(W.P.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered Rejected

No order as to costs.

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