

26

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

\*\*\*

O.A. 1719/97.

Dt. of Decision : 24-12-97.

1. M.Apparae
2. S.Lakshman Rao
3. A.Reju

.. Applicants.

Vs

1. The Divl. Personnel Officer,  
SE Rly, Waltair, Visakhapatnam.
2. The Divl.Mech.Engineer,  
SE Rly, Dept., ~~mf~~ Waltair,  
Visakhapatnam.
3. The Divl. Railway Manager,  
SR Rly, Waltair.
4. D. Bavaji
5. A.N.Dera

.. Respondents.

Counsel for the applicants : Mr.K.Bhaskara Rao

Counsel for the respondents : Mr.N.R.Devaraj, Sr.CGSC.

CORAM:-

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

*Pr*

*J*

..2

ORDER

ORAL ORDER (PER HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

Heard Mr.K.Bhaskara Rao, learned counsel for the applicants and Mr.N.R.Devaraj, learned counsel for the respondents.

2. There are three applicants in this OA. The applicants submit that they were working as adhoc Train Examiners in the scale of pay of Rs.1320-2040/- right from 1991 onwards. Inspite of that they were not promoted regularly to the post of TXR. In the selection held in July, 1996 the applicants were not selected. It is further stated that R-4 and R-5 though not selected were continued in the post of TXR who were juniors to them.

3. The applicant filed OA.948/97 on the file of this Bench challenging the same reversion order dated 30-09-96. That OA was disposed of by order dated 28-07-97 directing the respondents to dispose of the representation dated 16-3-97 in accordance with law within a period of 3 months from that date. That representation was disposed of by the respondents by the ~~impugned~~ order No.WPV/131/147/TXR dated 24-10-97 (Annexure-VIII) stating the reasons why they could not be promoted regularly to the post of TXR <sup>and</sup> which resulted in their reversion to the lower grade.

4. This OA is filed for a declaration that the reversion order No. Sr.DPO/WAT'S O.O.No.WPV/131/147/TXR dated 30-09-96 of the respondents is illegal, arbitrary and punitive in nature and for a consequential prayer to set aside the same and to absorb the applicants as adhoc TXRs. It is also stated that the order No.WPV/131/147/TXR dated 24-10-97 passed by R-1 in disposing the application dated 16-3-97 pursuant to the direction given by in OA.948/97 is not a speaking order on all the counts raised by the applicants.

-3-

5. First of all the applicants in this OA have not challenged the order dated 24-10-97 which gives the reasons for the reversion. So far as that is not challenged and it is on file, the applicants cannot expect any relief from this Bench. In the prayer it is only stated that the order dated 24-10-97 is not a speaking order. If it is not a speaking order the applicants could have prayed for setting aside that order ~~from~~ <sup>by</sup> this Bench. But the applicants have not asked for any such relief. The applicants only asked for setting aside the impugned order dated 30-09-96 by which they were reverted. Any employee can be promoted only if he is qualified in the selection as per Recruitment Rule. It is a fact that the applicants had not qualified in the selection held for the post of TXR in July, 1996. When they have not qualified in the selection they have no right for regular promotion to the post of TXR even though they were working on adhoc basis earlier. Adhoc promotion given earlier to them is <sup>due to</sup> ~~for~~ circumstances that prevailed and to maintain the services. Hence such adhoc promotion will not give the applicants any right for regular promotion if they <sup>do</sup> ~~are not satisfied~~ the Recruitment Rule for a regular promotion to the post of TXR by passing the selection. Hence the applicants have not made out any case for setting aside the order of reversion dated 30-09-96.

6. It is stated by the applicants that R-4 and 5 were also not in the empanelled list and they are juniors to them. Inspite of that being the juniors and not empanelled for the post of TXR they are being continued as TXR <sup>on ad hoc basis</sup> and hence the applicants should also be continued. It is not necessary for us to go into this aspect.

Te

D

..4

-4-

the applicants themselves may request the respondents to continue them on adhoc basis as their juniors are continued on adhoc basis as TXR.

7. In view of what is stated above, we find no merits in this OA. Hence the OA is dismissed at the admission stage itself. No costs.

  
(B.S. JAI PARAMESHWAR)  
24.12.97 MEMBER (JUDL.)

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated : The 24th Dec. 1997.  
(Dictated in the Open Court)

  
D.R.

spr

OAC 1710/97

Copy to:-

1. The Divisional Personnel Officer, South Eastern Railway, Waltair, Visakhapatnam.
2. The Divisional Mech. Engineer, South Eastern Railway, Dept. of Waltair, Visakhapatnam.
3. The Divisional Railway Manager, South Eastern Railway, Waltair.
4. One copy to Mr. K. Bhaskara Rao, Advocate, AT., Hyd.
5. One copy to Mr. N.R. Devaraj, Sr. CGSC, CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate.

srr

1/1/98  
TYPED BY  
COMPARED BY

Court  
CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE R. Rangarajan  
VICE-CHAIRMAN M(A)

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)  
B. S. Jai Paranjayee  
M(S)

DATED: 24-12-1997

ORDER/JUDGMENT:

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

O.A. NO.

T.A. NO.

(W.R.)

Admitted and Interim directions  
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

