

22

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

HYDERABAD

O.A.No.411 of 1999.

DATE OF ORDER: 24/1/2000

Between:

K.V.S.Subrahmanyam.

....Applicant

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1. Divisional Railway Manager,
South Eastern Railway, Waltair.
2. Senior Divisional Personnel Officer,
South Eastern Railway, Waltair.
3. Senior Divisional Commercial Manager,
South Eastern Railway, Waltair.
4. Chief Personnel Officer, South Eastern
Railway, Calcutta.

....Respondents

COUNSEL FOR THE APPLICANT :: Mr.V.Venkataramana

COUNSEL FOR THE RESPONDENTS :: Mr.V.Bhimanna

CORAM:

THE HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN

THE HON'BLE SRI S.MANICKA VASAGAM, MEMBER (ADMN.)

: O R D E R :

(AS PER HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN)

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-2-

1. The facts of this case lie in a very narrow compass. The applicant was promoted as Senior Clerk on adhoc basis vide Office Order No.Estt/Commr.E/87, dated 15-6-1996. However, he was reverted to his former post of/Clerk, vide Office Memorandum Order No.Estt./Commr/78/98, dated 10-11-1998, thus putting the applicant to ~~great~~ financial hardship and mental agony.
2. The applicant's grievance is rejected by the respondents on the ground that the Administration had resorted to chain-linked adhoc promotions, vide Office Order dated 15-7-1996, consequent upon the ^{voluntary (1)} retirement of Sri V.S.N.Murthy, OS Grade-I on 30-6-1996. It is further pointed out by the respondents that the senior most OS Grade-II Sri R.Sambasiva Rao was due for promotion. However, since the withdrawal notice given by V.S.N.Murthy for voluntary retirement was not accepted by the respondents, R.Sambasiva Rao filed an OA in this Tribunal and due to the pendency of the said case, he could not be promoted regularly and the resultant vacancy also could not be filled up on regular basis. Hence, it became necessary to give adhoc promotions with the usual stipulations regarding such promotions.
3. The fact that the promotions were ordered purely on adhoc basis/ the same do not confer on the promotees ^{and} any entitlement or claim for continuance ^{as Senior Clerk,} ^{(2) on the promotional post}

(1)

(P)
This was made clear in the Order dated 15-7-1996, by which five employees were given adhoc promotions including the applicant whose name was listed at the bottom of the aforesaid promotion order on adhoc basis. It is also made clear in the said Order dated 15-7-1996 that the promotees were liable to be reverted to their former post at any time without any notice and that as and when the Court case pending in the Tribunal was finally disposed of, the concerned Staff shall be liable to be reverted to their former post.

4. We do not find any discrepancy with the submission made by the learned Standing Counsel on behalf of the respondents that adhoc promotions ~~were~~ became necessary under the above circumstances and having regard to the fact that the conditions subject to which the adhoc promotions were made were clearly stated in the promotion order itself, the applicant ~~does~~ not acquire any right or claim for continuing as Senior Clerk and that he along with other staff members who were also similarly situated were liable for reversion to their former post at any time without any notice.

5. Keeping in view the above situation, we do not find any cause to interfere with the action taken by the respondents in reverting the applicant to his former post of Junior Clerk.

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25

6. One more fact, which ofcourse has no direct relevance to the facts of the present case, as contended by the respondents, is to the effect that three Typists were converted to the category of Junior Clerks on 26-3-1996, 9-5-1996 and 22-5-1996 respectively in terms of CPO/SE. Rly/Calcutta's Circular No.P/R/13/314/3(Policy), dated 1-8-1991, were entitled to full weightage of seniority as per rules from the date of joining as Typists. These three members of the Staff became seniors to the applicant. However, they also could not be promoted immediately as it was mandatory for them to complete two years of service as Junior Clerk after joining the post before becoming eligible for further promotion as Senior Clerk even on adhoc basis. It is further pointed out by the respondents that the three members of the staff after completion of two years of service as Junior Clerk, requested for granting promotion to them against the existing vacancy. The Administration examined the position and noticed that the existing vacancies in the category of Senior Clerk pertain to 2 SC + 1 ST short-fall. Neither the applicant nor his three seniors belong^{ed} to either of the Community apart from the fact that de-reservation of reserved posts was banned by Railway Board under the extant rules and therefore, the Administration was not in a position to promote the three seniors to the applicant as Senior Clerk or to continue the applicant himself as Senior Clerk even on adhoc basis against the short-fall vacancies ignoring the claims of seniors. It was under these circumstances, according to the respondents, that the Administration was

-5-

compelled to revert the applicant to his former post of Junior Clerk with immediate effect.

7. Keeping all the above facts in view, we do not find that any unlawful or irregular or improper steps, taken by the respondents and no contravention of any statute or rules have been committed by the respondents. There is therefore no cause for us to interfere in the action under challenge having been taken by the respondents and we are at a loss to appreciate the ^{stand to} step taken by the applicant that the action of reversion resorted to by the respondents deserved to be quashed or set aside.

8. In the result, therefore, we find no merit in the case and the same deserves to be dismissed and it is hereby dismissed. No costs.

S. Manicka Vasagam
(S. MANICKA VASAGAM)
MEMBER (ADMN.)

D.H. Nasir
(D.H. NASIR)
VICE CHAIRMAN

DATED: this the 24th day of January, 2000

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