

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.605/93

Date of order: 18.12.1995

Laxman Kumar Sharma : Applicant

Vs.

Union of India & Anr. : Respondents

None present for the applicant

Mr. Manish Bhandari : Counsel for respondents

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. O.P. Sharma, Administrative Member

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN.

Applicant Laxman Kumar Sharma, in this application under Sec.19 of the Administrative Tribunals Act, 1985, has challenged the order Anxx. Al dated 11.10.93 by which he was reverted from the post of Driver Gr.III scale Rs.950-1500(RP) to that of Khallasi scale Rs.750-940(RP). He has claimed direction to the respondents not to revert him from the post of Driver as also for a direction to regularise his services on the post of Motor Vehicle Driver.

2. None is present on behalf of the applicant. We have heard the learned counsel for the respondents and have gone through the records of the case.

3. The case of the applicant is that he was appointed as a casual Khallasi in the Railway Electrification Project on 2.1.86 in the Kota Division of the Western Railway. He was promoted on ad hoc basis to the post of Driver Gr.III vide order dated 1/16.11.89. The applicant has been performing the work of Driver in the said Project but thereafter the vehicles were sent from Kota to Ajmer with the result that the respondents issued the impugned order reverting the applicant from the post of Driver. The applicant contends that the trade test for the post of Driver was conducted at Ajmer and <sup>since</sup> the applicant <sup>had</sup> appeared in the trade test, the respondents should

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have declared its result and if he was found suitable, his services should have been regularised on the post of Motor Vehicle Driver as he has a preferential claim to it as per the provisions contained in circular dated 23.9.78 issued by the Railway Board.

4. On the other hand, the respondents have stated that the reversion of the applicant from the post of Driver was necessitated by the fact that the Project work of Kota Division had come to an end. The applicant was given the offer to join his service at Ajmer in the same post carrying the same pay/scale but the applicant had declined to accept such posting. It has also been stated that the applicant has no legal right to remain on the post of Motor Vehicle Driver as his substantive appointment was made to the post of Khallasi and any ad hoc promotion cannot create right in the employee specially when the post is either abolished or transferred elsewhere due to the completion of the Project or any other administrative reason.

5. The order dated 1/16.11.89 by which the applicant was promoted as Road Motor <sup>Vehicle</sup> Driver scale 950-1500(RP) indicates that the promotion was made merely on ad hoc basis subject to his passing the requisite medical examination and the order of promotion shall not confer upon him any right for similar promotion in open line over his seniors nor does it mean that he is placed on the panel for this post. Since the applicant was promoted merely on ad hoc basis to the post of Driver in the month of November, 1989 and he was reverted to his substantive post of Khallasi by the impugned order, the order of reversion cannot be faulted.

6. In the result, this application is dismissed as being devoid of merit. There shall be no order as to costs.

(O.P.Sharma)  
Member(Adm.)

G.Krishna  
(Gopal Krishna)  
Vice Chairman.