

O.A.No.279/93

Dt. of order: 14.9.1994

Abdul Rehman

: Applicant

Vs.

Union of India & Ors.

: Respondents

Mr.J.K.Kaushik

: Counsel for applicant

Mr.Manish Bhandari

: Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P.Sharma, Member(Adm.)

PER HON'BLE MR.GOPAL KRISHNA, MEMBER(JUDL.)

Applicant Abdul Rehman in this application under Sec.19 of the Administrative Tribunals Act, 1985, has sought a declaration that the impugned order dated 22.3.'93 (Annx.A1) issued by the respondent No.3 reverting and transferring the applicant from the post of Truck Driver under FWI(N) Gangapurcity to Gangman under FWI Baran is illegal. The applicant has also sought regularisation on the post of Truck Driver.


2. We have heard the counsel for the parties and have carefully perused the record. The applicant was initially appointed as a Casual Pump Operator on 19.9.'81 under FWI(N), Gangapurcity. He acquired temporary status w.e.f. 21.1.1983. He was in the pay scale of Rs.260-400(R)/950-1500(RP). His services were utilised on the post of Mechanic, Jeep Driver and Truck Driver under FWI(N) Gangapurcity in the same pay scale from time to time. He submitted an application dated 4.8.'85 to the concerned authority for his appointment to the post of Truck Driver in the scale of Rs.260-400(R). However, the applicant has been ordered to be transferred from Gangapurcity to Baran under FWI Baran on the post of Gangman scale Rs.775-1025 (RP) vide the impugned order dated 22.3.'93. The contention of the applicant is that the post of Gangman is a Class IV post and he should not have been reverted after having worked as a Truck Driver which is a Class III post for the last about 9 years.


3. On the contrary, the respondents have stated that the applicant was given temporary status on the post of Casual Pump Operator scale 196-232 w.e.f. 21.1.'83. It is denied that he was granted ~~scale~~

6

the scale of Rs.260-400(S). The applicant has not passed any trade test for the post of Truck Driver. It is admitted that the applicant possesses a Driving Licence and his services were utilized as a Casual Truck Driver purely on ad hoc basis. It is contended by the respondents that since the applicant was never promoted to the substantive post of Truck Driver, he cannot have any claim for promotion to that post on regular basis.

4. It is obvious that the applicant has served as a Truck Driver even though on an ad hoc casual basis since 1985. He has served as a Truck Driver for the last 9 years and as such he is entitled to consideration for regularisation in the said post subject to his passing the requisite trade test and as per the extant rules. We, therefore, dispose of this O.A. with the direction to the respondents to consider the applicant's case for regularisation in the post of Truck Driver subject to his passing the requisite trade test and fulfilling the other requirements of the extant rules. There shall be no order as to costs.


(O.P.Sharma)
Member(A).


(Gopal Krishna)
Member(J).