

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 21st September, 2001

OA No.163/1997

1. Onkar Lal s/o Nathu Lal r/o 207/28 Dhani Nadi Road, New Basti, Ajmer, employed as ^{Head} Clerk under Dy. CME, Ajmer Division. Ajmer.
2. Nand Kishore s/o Shri Mohan Lal r/o 1881/29 New Rajeev Nagar, Dhola Bhata, Ajmer employed on the post of Head Clerk in CWM, Loco Workshop, Ajmer Division, W/Rly, Ajmer.

..Applicants

Versus

1. The Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Chief Works Manager (Estt.), Western Railway, Ajmer Division, Ajmer.
3. Shri Jai Gopal at present employed in Loco workshop under CWM, Ajmer Division, Ajmer.
4. Noarth Singh at present employed in Loco workshop under CWM Unit, Ajmer Division, Ajmer.
5. Ramesh Rajpal at present employed under CME, Ajmer Division, Ajmer.

.. Respondents

Mr. Shiv Kumar, counsel for the applicants.

Mr. S.S.Hasan, counsel for the respondents

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.A.P.Nagrath, Administrative Member

ORDER

Per Hon'ble Mr. A.P.Nagrath, Administrative Member


The applicants are aggrieved with the order dated



7.12.96 (Ann.A1) by which some persons have been promoted to the post of Chief Clerk scale Rs. 1600-2660 on ad hoc basis. These ad hoc appointments have been made after downgrading the post of Office Superintendent grade Rs. 2000-3500 and the order states that this ad hoc promotion has been ordered considering the seniority and suitability of the employees. The applicants contend that they are senior to respondents No. 3,4 and 5, but they have been ignored and have not been given the benefit of this promotion.

2. We would like to observe with anguish the indifferent response shown by the respondents in this case. Despite repeated opportunities, the concerned officers have not cared to file any reply and they have been directly responsible for causing delay in disposal of this application. Because of their attitude and casual approach, we have no alternative but to accept the contention of the applicants that they are senior to respondents No. 3,4 and 5 and thus had a legal right to be considered for ad hoc promotion in preference to these private respondents.

3. Ad hoc promotion in the railways is regulated by the provisions of Para 216 of the Indian Railway Establishment Manual (IREM, for short) Vol.I. This lays down that ad hoc promotions should be avoided as far as possible both in selection and non-selection posts, and where they are found inescapable and have to be made in the exigency of service, they should be resorted to only 3 to 4 months. The ad hoc promotion should be ordered only from amongst senior most suitable staff. As a rule a junior should not be promoted ignoring his senior. (emphasis supplied). As we have mentioned above, there has been no response from the Department and nothing has been brought on record to show as to why applicants' names were not considered while ordering these ad hoc promotions. We are cognizant of the fact that

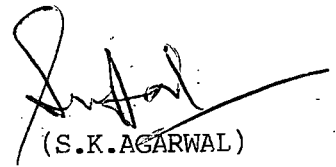


this is only an adhoc promotion, but this cannot be ordered in an arbitrary manner. The respondents should keep in mind the provisions existing in IREM Para 216 and if the applicants are senior they are fully entitled to the benefit at par with their juniors.

4. In the facts and circumstances of the case, we direct the respondents to consider the case of the applicants for ad hoc promotion. If the applicants are found fit as per rules, they should be extended this benefit from the date their next junior were promoted. The applicants are also entitled to costs in this case which we quantify as Rs. 1000/-. This cost shall be paid by the officer incharge of this case, who failed to file any reply despite repeated opportunities, from his own pocket. The respondents shall comply with this order within a period of one month from the date of receipt of this order.



(A.P. NAGRATH)
Adm. Member



(S.K. AGARWAL)
Judl. Member