IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 02.07.2001

OA No.353/1997

Rajendra Kumar Mittal s/o Shri K.C.Gupta, aged around 44 years, r/o 1-B-18, Goverdhanwadi, Khatipura Road, Jhotwara, Jaipur, presently posted as Head T.T.E., Under C.T.I.-II, Western Railway, Jaipur.

..Applicant

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.

2. Divisional Railway Manager, Western Railway, Jaipur.

.. Respondents

Mr. P.P.Mathur, proxy counsel to Mr. R.N.Mathur, counsel for the applicant

Mr. U.D.Sharma, 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. S.K.Agarwal, Judicial Member

In this Original Application filed under Section 19 of the Administrative Tribunals Act, the applicant makes a prayer to direct the respondents not to revert the applicant from the post of Head T.T.E. and to that extent order dated 31.7.1997 may be set-aside and quashed. Further directions are also sought to treat the applicant as substantive appointee on the post of Head T.T.E. in pursuance of the order dated 17.7.1995.

2. Reply was filed. In the reply it is stated that applicant was initially appointed on the post of Ticket Collector on 2.1.1981 and thereafter he was promoted on regular basis as In-charge

T.C. on 23.4.1997. Therefore, the applicant was promoted on the post of Head T.T.E. vide order dated 17.7.1995 on ad-hoc basis due to the reason that case of Shri J.C.Malik was pending before Hon'ble the Supreme Court and directions had been given by Hon'ble the Supreme Court to give promotion on purely ad-hoc and provisional basis, which shall be subject to the decision of Hon'ble the Supreme Court in the case of J.C.Malik. It is stated that process for preparation of panel was initiated vide notification dated 23.11.1990 and the applicant had conveyed his refusal to appear in the said selection process and he was absent on 16.2.1991, on the date when written test was held. It is stated that in respect of the selection process initiated vide notification dated 13.7.1992, a panel was notified vide order dated 25.4.1994 wherein the name of the applicant did not appear, which shows that applicant did not qualify in the said selection process. However, as the vacancies became available in the grade of Head T.T.E., the applicant was given promotion on ad-hoc/provisional basis vide order dated 17.7.1995. It is also stated in the reply that subsequently a notification for filling up the vacancies in the grade of Head T.T.E. was issued vide order dated 14/16.10.1995. The applicant appeared in the written test on 23.12.1995 but failed to qualify in the written test, as such his name was not included in the list of candidates called for interview. The said list was issued on 19.3.1996. It is also stated that a panel was subsequently issued vide order dated 9.1.1997 wherein the name of the applicant was not mentioned as he has failed to qualify in the written test. It is also stated that since the applicant failed to qualify in the said examination and his name was not in the panel, therefore, he was reverted to his earlier post of T.T.E. vide order dated 31.7.1997. It is further stated that as the promotion of the applicant vide order dated 17.7.1995 was purely on ad-hoc and provisional basis and applicant failed to qualify the written test and his name was not included in the panel notified vide order dated 9.1.1997, therefore, applicant was reverted to his original post of T.T.E. vide order dated 31.7.1997. Therefore, in view of the reply filed before us, we do not find any infirmity/illegality in the said order.

3. Therefore, this OA fails having no merits and liable to be dismissed.

4. We, therefore, dismiss this OA having no merits with no order as to costs.

(A.P.NAGRATH)
Adm. Member

(S.K.AGARWAL)
Judl.Member