

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.183/1999

Date of order: 8/2/2001

1. Munshi Lal Jatav, S/o Shri Vijay Singh, working as Shunting Jamadar, O/o Chief Works Manager, W.Rly, Kota.
 2. Om Prakash, S/o Shri Shiv Lal Singh, working as Shunting Jamadar, O/o Chief Works Manager, W.Rly, Kota.
- ...Applicants.

Vs.

1. Union of India through General Manager, W.Rly, Churchgate, Mumbai.
2. Divisional Rly.Manager, W.Rly, Kota Division, Kota.
3. Chief Works Manager, W.Rly, Kota Division, Kota.
4. The Divisional Operating Manager (DOM)(Estt), W.Rly, Kota Division, Kota.
5. Sh.Jagania 'B', Cabinman, working as Shunting Jamadar, Workshop, W.Rly, Kota.
6. Shri Joga Singh, Cabinman, working as Shunting Jamadar, Workshop, W.Rly, Kota.

...Respondents.

Mr.P.V.Calla - counsel for the applicants.

Mr.R.G.Gupta - Counsel for respondents Nos.1-4.

CORAM:

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

Hon'ble Mr.N.P.Nawani, Administrative Member.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application filed under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to declare the Orders at Annx.A1 and Annx.A2 as illegal and to direct the respondents to hold regular selection to the post of Shunting Jamadar and the applicants may be allowed to work on the post of Shunting Jamadar so long as regularly selected hands from Kota Division are not available.

2. In brief, facts of the case as stated by the applicants are that the applicants Nos.1 & 2 entered in service as Group-D employees on the post of Pointsman in the year 1980 and 1981 respectively. Thereafter, they were promoted to the post of Senior Pointsman in the year 1982 and 1986 respectively. It is stated that the post of Shunting Jamadar is a selection post and there existed 3 posts of Shunting Jamadar in the scale Rs.4000-6000. Acting upon the directions of respondent No.2, the applicants were promoted on the post of Shunting Jamadar vide order dated 2.8.95 and 5.6.98 respectively and the applicants are discharging their duties with full satisfaction. It is stated that the applicants are working since long and the private respondents are not working at the strength of Workshop under respondent No.3, therefore, they are not eligible but the respondents have reverted the applicants on the one hand and promoted the private respondents on ad hoc basis on the other hand on the same terms and conditions on which the applicants were promoted. It is stated that the action of the official respondents removing the ad hoc promottees and putting fresh ad hoc promottees are contrary to the rules and as such, the same is bad in law. Therefore, the applicants have prayed to quash and set aside Annx.A1 and Annx.A2.

3. Reply was filed. In the reply it is stated that private respondents Nos.5 & 6 were senior to the applicants and were posted on the post of Shunting Jamadar vide order dated 5.4.99 (Annx.A1) and consequent upon the filling up the available vacancies on regular basis, the ad hoc promotion of the applicants were withdrawn and they were reverted to their original posts of Pointsman. Therefore, the impugned orders are perfectly legal and valid. The applicants were reverted from the post of Shunting Jamadar to the post of Sr.Pointsman and separately the private respondents who were senior most in

the seniority list notified vide order dated E/T/1030/45 dated 20.7.98, were promoted on ad hoc basis elsewhere.. Therefore, the applicants should not have any grievance with the impugned orders and the applicants are having no case for interference by this Tribunal.

4. Heard the learned counsel for the parties and also perused the whole record.

5. On a perusal of the record, it becomes abundantly clear that private respondents Nos.5 & 6 are definitely senior to the applicants, therefore, on account of filling up of all the available vacancies on regular basis their promotion on the post of Shunting Jamadar the reversion of the applicants was consequential as the applicants were promoted on ad hoc basis which does not confer any right to the applicants to remain on the post. From the averments of the parties, it becomes abundantly clear that respondents Nos.5 & 6 were undisputedly senior to the applicants, therefore, if on available posts at Kota having been filled up on regular basis of respondents Nos.5 & 6 if the ad hoc promotion of the applicants was withdrawn, then in our considered view, we do not find any infirmity/illegality and there is no basis before us to interfere in the impugned orders passed by the respondents.

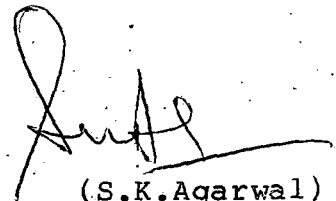
6. In our considered view, the applicants have no case for interference by this Tribunal and this O.A devoid of any merit is liable to be dismissed.

7. We, therefore, dismiss the O.A having no merits with no order as to costs.



(N.P. Nawani)

Member (A).



(S.K. Agarwal)

Member (J).