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Central Administrative Tribunal, Principal Bench

O.A.No.2330/2002

New Delhi, this the 9th day of September, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member (A)

P.M. Dinesh,
R/o 1/4451, Ram Nagar Extension
Madoli Road, Shahdara
Delhi-32

....Applicant

(By Advocate: Shri S.N. Anand)

versus

1. Union of India,
Through Secretary,
Department of Telecommunications
(Ministry of Communications)
Sanchar Bhawan,
20, Ashoka Road,
New Delhi-1

2. The Chief General Manager,
Mahanagar Telephone Nigam Limited,
Khurshid Lal Bhawan,
Janpath,
New Delhi-50

....Respondents

Order (Oral)


By Justice V.S. Aggarwal, Chairman

The applicant had been promoted purely on ad-hoc/temporary basis on 16.6.2001 in the Junior Administrative Grade of Indian Posts & Telegraph Service Group 'A'. The said order reads:

"Shri P.S. Dhingra, DGM(F) staff No. 80400 working under GM(N-JJ), MTNL, New Delhi is hereby transferred and posted as DGM(F) under CE(BW), MTNL, New Delhi with immediate effect.

Shri P.M. Dinesh, CAO staff No. 80963 working under GM(N), MTNL, New Delhi is hereby promoted in JAG cadre of Indian P&T Accounts & Finance Service Group 'A' purely on temporary and adhoc basis in the local officiating arrangement with immediate effect and posted as DGM(F) under GM(N-II), MTNL, New Delhi vice Shri P.C. Dhingra, DGM(F).

The local officiating arrangement is for a period of 90 days and can be terminated earlier without assigning any reason.



While giving promotion, it may be ensured that no Vig./Disc. case is pending/contemplated against the officer and he is also not undergoing any punishment."

2. By virtue of the order passed on 16.8.2002, the applicant has been reverted to his substantive post and the said order is also being reproduced for the sake of facility:

"Shri P.M.Dinesh, CAO staff No.80963 working under GM(N-II), MTNL, New Delhi who is officiating in the cadre of JAG of Indian P&T Accounts & Finance Service Group 'A' is hereby reverted to his substantive post of STS with immediate effect and posted as CAO under GM(F), HQ, MTNL, New Delhi vice Shri K.Planiappan, CAO.

In partial modification to this office letter No.STA-I/1-22/TFR/ACAO/2002/96 dated 4.7.2002, the place of posting in r/o Shri K. Planiappan, CAO at sl.No.01 is hereby revised from GM(F), HQ to GM(N-II), MTNL, New Delhi."

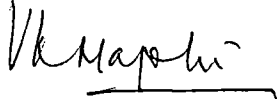
3. The applicant assails the said order on the ground that as per Govt. of India, Department of Personnel & Training O.M. No.11012/9/86-Estt.(A) of 24.12.86, if a person has worked against a post on ad-hoc basis and disciplinary proceedings are to be initiated against him, he could not be reverted on that score. As per the learned counsel for the applicant, a chargesheet for minor panalties has been served on the applicant and, therefore, his reversion is contrary to the above said instructions.


4. While we have little dispute with the said instructions but perusal of the order reverting the applicant to his substantive post does indicate that it is not in pursuance of any disciplinary proceedings. Applicant admittedly, as referred above, was holding the post on ad-hoc basis in an officiating capacity. Having no right to hold the post, indeed if he has been reverted, he has no cause of grievance.



5. During the course of submission, we had put up to the learned counsel for the applicant if any junior officer to the applicant has been permitted to officiate. The answer was in the negative.

6. The net result therefore would be that the Tribunal has no cause at this stage to interfere in the present O.A. The application must fail and is accordingly dismissed.


(V.K. Majotra)
Member(A)


(V.S. Aggarwal)
Chairman

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