

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.457/2002

New Delhi, this the 19th day of September, 2002

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri M.P. Singh, Member (A)

J.N. Nagar
RZ-56, Madanpuri, Gali No.10
West Sagarpur, New Delhi-46 .. Applicant

(Shri P.T.S.Murthy, Advocate)

versus

Union of India, through

1. Secretary
Ministry of Labour
Shram Shakti Bhavan, New Delhi
2. Director General/Employment & Training
Shram Shakti Bhavan, New Delhi
3. Director
Central Institute for Research & Training in
Employment Services
Pusa, New Delhi .. Respondents

(Shri M.M. Su-dan, Advocate)

ORDER(oral)

Shri Justice V.S. Aggarwal, Chairman

By virtue of the present OA, Shri J.N.Nagar (hereinafter called the applicant) seeks an order that respondents should be directed to revert the applicant to his permanent post of Upper Division Clerk (UDC, for short) in his parent office.

2. Sum and substance of the facts giving rise to the present OA are that the applicant had been promoted as UDC on 1.9.1989. He claims that he was promoted as Office Superintendent (OS) on officiating basis with effect from 11.12.1989 and on regular basis w.e.f. 11.12.1990. It is not in controversy that on 4.11.93 the applicant was reverted to the post of UDC on return from

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deputation. Thereafter, the applicant was transferred as Hostel Superintendent-cum-Caretaker with Respondent No.3. The grievance of the applicant is that (a) as per Recruitment Rules he should not have been absorbed in the post of Hostel Superintendent-cum Caretaker and (b) this absorption is contrary to the Recruitment Rules.

3. Needless to state, in the reply filed, respondents have contested the petition. It is not disputed that applicant was reverted as UDC with effect from 4.11.93 on repatriation of Shri Sukhpal Singh, regular OS of the Institute. It is not in controversy that applicant was appointed as Hostel Supdt.-cum-Caretaker on deputation basis which was at his request and the competent authority absorbed the applicant as Hostel Supdt.-cum-Caretaker on regular basis on 12.4.1998. Since the applicant has been absorbed as Hostel Supdt.-cum-Caretaker, prayer of the applicant in OA is being contested.

4. After hearing the parties at length we find that application must fail as devoid of any merit. Reasons are obvious. Recruitment Rules for the post of Hostel Supdt.-cum-caretaker point out that the post can be filled up on deputation from UDCs in the office of CIRTES or by transfer of persons working in similar or equivalent grade in other Central Government Offices. Applicant has since been reverted to the post of UDC way back in November, 1993 he cannot be heard to state that earlier to that he was working as OS. Such a plea has to

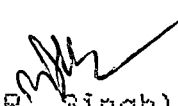
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be necessarily rejected for the reason that when he was appointed earlier to the post of UDC in November, 1993 there was no prayer or even a whisper. He was thus also recruited as per the Recruitment Rules. Having joined the department on deputation applicant had submitted two representations, copies of which are dated 18.2.98 and 19.3.98, making a request that he should be absorbed in the post of Hostel Supdt.-cum-Caretaker. In pursuance of his request that office order dated 3.4.98 was passed which reads as follows:

"Shri J.N.Nagar, who has been appointed on deputation basis as Hostel Superintendent-cum-Caretaker vide office order No.29(4)/89-Adm. dated 21.4.94 with effect from 12.4.94 (F.N.) and continued in service in that capacity is hereby absorbed and appointed by the approval of the competent authority as Hostel Superintendent-cum-Caretaker on regular basis in this Institute in the scale of pay of Rs.4500-125-7000 w.e.f. 12.4.1998(FN)."

5. Since the applicant had been permanently absorbed in the Institute, there is no merit in his claim that he should be reverted back to his parent cadre as UDC or any other capacity. Resultantly application must fail *being* without any merit. OA dismissed. No costs.


(M.P. Singh)
Member(A)


(V.S. Aggarwal)
Chairman

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