

Central Administrative Tribunal
Principal Bench

O.A. No. 3189 of 2001

New Delhi, dated this the 28th November 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Nathu Ram Yadav,
S/o Shri Tek Ram Yadav,
Working as Deftary in the office of
Director,
Transcription & Programme Exchange Service,
Akashwani Bhawan, Fourth Floor, Sansad Marg,
New Delhi-1. .. Applicant
(By Advocate: Shri P.M.Ahlawat)

Versus

1. Union of India, through
The Secretary to the Govt. of India,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi-1
2. The Director,
Transcription & Programme Exchange Service,
Directorate General, Akashwani Bhawan,
Parliament Street,
New Delhi-1. .. Respondents.

ORDER

S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated 26.12.2000 reverting him from the post of Technician to the substantive post of Daftary with immediate effect.

2. Admittedly applicant had filed OA No.2290/99 earlier, impugning respondents order dated 18.10.99 reverting him from the post of Technician retrospectively w.e.f. 15.10.99 and seeking continuity of service as Technician w.e.f. 15.10.99 with all consequential benefits. That OA was disposed of by our order dated 7.9.2000 whereby

impugned order dated 18.10.99 was quashed and set aside and applicant was ordered to be reinstated as Technician forthwith without back wages. Respondents were given liberty to revert applicant from the post of Technician after putting him to notice in accordance with law.

3. Accordingly respondents issued show cause notice to applicant on 30.10.2000 (Annexure-A4), and upon receipt of his reply (Annexure.A-5) had passed the impugned order.

4. We have heard applicant's counsel Shri P.M.Ahlawat.

5. Reasons given in order dated 26.12.2000 necessitating applicant's reversion are that applicant was empanelled at Serial No.3 against direct recruitment post of Technician prepared in 1993, whose life has long expired while applicant was appointed as Technician in October, 1999. Secondly it was also noted that as per the recruitment rules whereby 95% vacancies were to be filled up by direct recruitment and only 5% by promotion. Even if the vacancy which arose in October, 1999 was filled up by departmental promotional quota of 5%, applicant was not eligible for promotion because the post of Technician was to be filled up under rules from the feeder cadre of helper while applicant was Deftary;

and thirdly, the Deputy Director was not the competent authority to issue offer of appointment in October, 1999.

6. A perusal of the grounds taken in the OA reveals that none of these reasons have been effectively ^{challenged} ~~rebutted~~ by applicant. ^{- in the grounds taken in the OA} Clearly the appointment of a candidate in 1999, against the single vacancy on the basis of select list prepared in 1993 cannot be sustained, thereby denying all other aspirants who became eligible during the period 1993 to 1999, any consideration for appointment against that vacancy which would manifestly be violative of Articles 14 and 16 of the Constitution.

7. The OA is dismissed in limine.

A. Vedavalli
(Dr. A. Vedavalli)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

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