

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. 2398/99

(6)

New Delhi this the 3rd day of April, 2000.

Hon'ble Mr.Justice V.Rajagopala Reddy, Vice Chairman(J)

Hon'ble Smt. Shanta Shastry, Member(A)~

Sh. N.K.Dudeja
S/o Sh.Nanak Chand
R/o 4/50, Old Rajinder Nagar,
New Delhi.

...Applicant

(Applicant present in person)

Versus..

Union of India, Through the
Secretary, Ministry of Health &
Family Welfare, Nirman Bhavan,
New Delhi-110011.

...Respondent

(Sh.M.S.Kasottia, UDC, Depttl.
representative on behalf of respondent)

ORDER(Oral)

By Justice Reddy J.-

The applicant was working as Assistant in the office of Ministry of Health and Family Welfare. He was promoted as Section Officer w.e.f.16.7.1994 on ad hoc basis. It is the case of the applicant that he is entitled to be continued as S.O. unless the regular incumbents to the post of S.O. are available and they replace him. But it is alleged that the impugned order dated 25.10.99 was passed reverting the applicant from the present post of S.O. to his substantive post of Assistant as against the understanding at the time of his initial promotion as S.O.

(J.R.S)

It is the case of the respondents that the applicant has been promoted on ad hoc basis for specific period or until further order whichever is earlier. The Govt. decided to cancel the ad hoc promotion and reverted the applicant. It is denied that there is an understanding that the applicant should only be reverted on the availability of the regular incumbant for the post of S.O. It is further stated that direct recruit Assistants who were senior to promotee Assistants who were already officiating as Section Officers, could not be considered for promotion earlier as they were then not eligible for promotion in terms of prescribed minimum length of approved service. As they had become eligible by the subsequent date i.e. July, 1999 they were also to be considered on Seniority-cum-fitness for this purpose and that Direct Recruit Assistants who were much senior and eligible to the applicant were promoted as S.O. on ad hoc basis. As the vacancies were inadequate some of the junior ad hoc S.O.s including the applicant had to be reverted as Assistants.

We have given careful consideration to the pleadings as well as written arguments submitted by the applicant. We do not find any substance in the pleas of the applicant.

The facts are not disputed in this case. The applicant was initially promoted as Section Officer in 1994 and continued as such and he is now reverted. It is no doubt, true that normally the Department cannot

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replace him by another ad hoc employee. It must be noted that in the present case the applicant was promoted as the Senior Assistants were not found eligible for promotion on account of their not fulfilling the prescribed minimum length of approved service. As it is now stated in the reply that the seniors to the applicant were found eligible in July 1999 for promotion, the applicant along with others had to be necessarily reverted. In view of the above reason, it cannot be said that the reversion of the applicant is either illegal or contrary to the rules. The applicant cannot continue in his promotion post by ignoring the claims of his seniors for promotion. The O.A., thererfore, fails and is accordingly dismissed. No costs.

(8)

Shanta Shastray
(SMT. SHANTA SHAstry)
MEMBER(A)

V.Rajagopala Reddy
(V.RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

RB.