

20

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 670/99

New Delhi this the 24th July, 2000

HON'BLE SH. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE SH. KULDIP SINGH, MEMBER (J)

Smt. Suveera Papneja,
W/o Sh. Narinder Lal,
R/o 6/32-A, Jangpura-B,
Mathura Road,
New Delhi-110 014

.....Applicant

(BY: Advocate Sh. V.K. Mehta)

Versus

1. Union of India,
through Secretary
Ministry of Defence,
South Block,
New Delhi-110 011
2. Joint Secretary (Trg) & CAO,
Ministry of Defence,
South Block,
New Delhi-110011

.....Respondents

(BY: Advocate Sh. S.M. Arif)

ORDER

Mr. S.R. Adige, VC(A)

Applicant impugns various orders issued by respondents as referred to in para 8 of the OA and prays that she be treated to be working as Assistant since 9.1.90 with consequential benefits.

2. Applicant who at the relevant time was working as UDC in A.F. Headquarters Clerical Service was promoted as Assistant along with others vide Annexure-A/6 dated 9.1.90. Respondents have stated in their detailed reply, which has not been denied in rejoinder that pursuant to the implementation of certain Hon'ble Supreme Court's judgments, applicant and others were relegated in seniority and were reverted to the post of UDC by Annexure-A/4 order dated 21.4.93.

2

2

Respondents further state in that detailed reply, which has also not been denied by applicant in any rejoinder that applicant's actual reversion, could not however take place because her Controlling Officer in AF HQ. inadvertently failed to implement the same, and she therefore continued to be shown as Assistant and draw pay and allowances as Assistant. The mistake was detected only in 1998 when applicant was transferred out of AF HQ.

3. Meanwhile in order to minimise the hardship to the affected individuals, respondents decided to accommodate the revertees in the grade of Assistant on adhoc basis provided they were found fit for promotion.

4. Respondents further state in their detailed reply which has also not been controverted by applicant in any rejoinder that she was considered along with others for adhoc promotion as Assistant and it was found that her ACRs for the years 1991, 1992 and 1993 were average and contained adverse remarks, she was also considered for regular promotion as Assistant during the years 1994, 1995, 1996, 1997 and 1998, and based on her performance, as reflected in her ACRs she was found 'not yet fit' for promotion.

5. We have perused applicants' ACRs for 1988-89 she received 'Good', for 1989-90 'Very Good'; for 1990-91 'Very Good/Average'; for 1991-92 Average; for 1992-93 Average; for 1993-94 Average; for 1994-95 Average; for 1995-96 Average; for 1996-97 Good; for 1997-98 Average and for 1998-99 'Very Good'.

6. We are informed that since July, 1998,

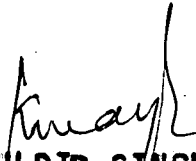
2

22
= 3 =

applicant is working as UDC, but she is continuing to draw the pay of Assistant as per interim orders dated 23.3.99 of the Tribunal.

7. In the light of the facts and circumstances noticed above, we find ourselves unable to grant the relief prayed for by applicant. However, as respondents do not deny that applicant actually did discharge the duties and responsibilities of Assistant no recoveries of pay and allowances of the post of Assistant will be made pursuant to the reversion order dated 21.4.93 till date. Meanwhile as soon as vacancy of Assistant become available in future respondents will consider the case of applicant for promotion as Assistant on adhoc/regular basis.

8. The OA is disposed of in terms of para 7 above. No costs. Interim orders dated 23.3.99 are vacated.


(KULDIP SINGH)
MEMBER (J)


(S.R. ADIGE)
VICE CHAIRMAN (A)

/ug/