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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.1078/98
and
O.A.No.1382/98

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE SHRI R.K.AHOOJA, MEMBER(A)

New Delhi, this the 23rd day of November, 1998.

O.A.No.1078/98

Shri A.S.Bisht,
Clerk Grade II,
C/o Director, Publications Division,
New Delhi.

..Applicant

(By Shri N.N.Dhingra, Advocate)

vs.

1. The Union of India through the
Secretary,
Ministry of Information & Broadcasting,
Shastri Bhavan,
New Delhi.
2. The Director,
Publications Division,
Ministry of Information & Broadcasting,
Patiala House,
New Delhi-110001.

..Respondents

(By Shri V.S.R.Krishna, Advocate)

O.A.No.1382/98

Shri Umeshwar Singh Rawat,
Clerk Grade-II,
C/o Director, Publications Division,
Patiala House,
New Delhi.

..Applicant

(By Shri N.N.Dhingra, Advocate)

vs.

1. The Union of India through the
Secretary,
Ministry of Information & Broadcasting,
Shastri Bhavan,
New Delhi.
2. The Director,
Publications Division,
Ministry of Information & Broadcasting,
Patiala House,
New Delhi-110001.

Respondents

(By Shri V.S.R. Krishna, Advocate)

O R D E R (ORAL)

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN:

These two applications are directed against a common order dated 23rd February 1998 by which the applicants in these cases were reverted to their substantive posts. As the facts and question of law are identical, these cases are being heard and disposed of by this common order.

2. Shri A.S. Bisht, the applicant in O.A.No.1078/98 was appointed substantively as a Peon in Group-D under the second respondent, but was promoted on ad hoc basis as Clerk Grade-II with effect from 3.12.1986. He was reverted to the lower post on 1.9.87 and was again promoted as Clerk Grade-II with effect from 19.4.88. Thereafter he was continuously working as Clerk Grade-II until he was reverted by the impugned order (Annexure-A1). The applicant had completed the Hindi Training Programme successfully as per the result published on 15.1.1992. The applicant claims that he should have been regularised in the post of Clerk Grade-II with effect from 1.1.1992 and that the reversion without notice is illegal and unjustified. With these allegations, the applicant has filed O.A.No.1078/98 seeking to have the order dated 23rd February, 1998 (Annexure A1) as also the consequential order dated 24th February 1988 refixing his pay in the lower grade set aside and for a direction to the respondents to regularise him in the post of Clerk Grade-II.

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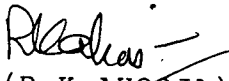
3. Sri Umeshwar Singh Rawat, the applicant in O.A.1382/98 was appointed as a Helper(Mazdoor), a Group-D post with effect from 27.9.1980. He was thereafter appointed as Clerk Grade II on ad hoc basis initially for a period of six months vide order dated 1.4.86, but continued as such without break till he was reverted by the impugned order(Annexure A1). The applicant claims that he is entitled to be regularised on the post of Clerk Grade II as he is fully qualified to hold the post and has been holding it continuously from 1986 onwards. The abrupt reversion to the lower post without notice, according to the applicant, is arbitrary, irrational and unjust. He made a representation and followed it with a legal notice requesting for early regularisation as Clerk Grade-II, to which he was given a reply dated 28.5.98 negating his claim. Aggrieved by this, the applicant has filed this application seeking to have the impugned orders set aside and for a direction to the respondents to regularise him as Clerk Grade-II.
4. The respondents have filed reply statements in these cases. They seek to justify the impugned actions on the ground that the applicants who had been promoted as Clerk Grade II on ad hoc basis, had to be reverted to their substantive posts for want of vacancies. They have indicated that as and when vacancies in Clerk Grade II arise, the applicants will be considered for promotion, in accordance with the rules. As ad hoc promotees, the applicants have no legal right to continue on the promoted post. Therefore they do not have legitimate cause of action, contend the respondents.

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5. On a careful scrutiny of the material available on record and on hearing the learned counsel on either side, we are of the considered view that the applicants do not have a subsisting legitimate grievance to be redressed. They were promoted as Clerk Grade-II to meet the requirements of service and had to be reverted when such need ceased to exist. In the absence of vacancies on which the applicants could be legally adjusted on the post of Clerk Grade-II, the action of the respondents in reverting them to their substantive posts, cannot be faulted. It is well-settled by now that an ad-hoc appointee has no right to claim regularisation de hors the rules. As there is no case for the applicants that any person junior to them, is retained in higher post on ad hoc promotion, we find no reason to interfere with the impugned orders.

6. In the result finding no merit, both the applications are dismissed, leaving the parties to bear their own costs.


(R.K. AHOOJA)
MEMBER(A)


(A.V. HARIDASAN)
VICE CHAIRMAN

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