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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2094/1995

New Delhi, this the 27th day of August, 1999

HON'BLE MR. JUSTICE R.G.VAIDYANATHA, VICE CHAIRMAN (J)
HON'BLE MR. J.L.NEGI, MEMBER (A)

Hira Lal Prabhakar, Deputy
Superintendent, DDO/HO, HADB, Lampur,
Delhi.

---Applicant.

(By Advocate Mr. A.K.Bhardwaj)

VERSUS

1. National Capital Territory of
Delhi, through Secretary, Govt. of
NCT of Delhi, Department of Social
Welfare, Govt. of Delhi, 1,
Canning Lane, KG Marg, New Delhi.
2. Joint Director (Admn.), Deptt. of
Social Welfare, Govt. NCT of
Delhi, 1 Canning Lane, KG Marg, New
Delhi.

---Respondents.

(By Advocate Mr. Anoop Bagai through
Mr. Anil Singhal)

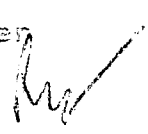
O R D E R (ORAL)

By Hon'ble Mr. Justice R.G.Vaidyanatha, VC (J):

This is an application filed by the applicant challenging his reversion. Respondents have filed their counter. We have heard Mr. A.K.Bhardwaj, learned counsel for applicant and Mr. Anil Singhal, proxy counsel for Mr. Anoop Bagai, counsel for respondents.

2. The dispute in this case lies in narrow compass.

The applicant was promoted as Deputy Superintendent in the Deptt. of Social Welfare, Govt. of Delhi. He came to be reverted vide impugned order



(2)

dated 14.6.1995 to the post of Welfare Officer, Grade-II. According to the applicant, his reversion took place in view of the pendency of disciplinary action against the applicant. It is alleged that the order of reversion is bad since it was done without hearing the applicant and is in violation of principles of natural justice. Since, the applicant was already under suspension, the order of reversion is passed with ulterior motives. The order of suspension is, therefore, unjust and is illegal. It is also stated that the order of suspension amounts to penalty and this could not have been done without holding an enquiry and, therefore, the action of the administration is in violation of Article 311 (2) of the Constitution of India. The applicant, therefore, prays that the impugned order of reversion dated 14.6.95 be quashed and the respondents be directed to maintain the order of promotion of the applicant as Dy. Superintendent with all consequential benefits.

3. Respondents in the reply have admitted that the applicant had been promoted as Dy. Superintendent, but they say it was purely on adhoc basis by way of stop-gap-arrangement due to administrative exigencies. The adhoc promotion could not be renewed for want of vigilance clearance. It is stated that the adhoc arrangement will not confer any legal right on the applicant. The applicant came to be suspended on account of disciplinary proceedings against him vide order dated 8.6.95. The applicant's adhoc arrangement could not be continued in the

(3)

absence of vigilance clearance and thereby he came to be reverted vide order dated 14.6.95. It is stated specifically that the order of suspension and order of reversion are two separate actions and two different issues and they should not be clubbed together. It is, therefore, stated that the order of reversion is perfectly according to the rules.

4. Learned counsel for the applicant contended that the order of reversion is bad in law since no show cause notice was issued to the applicant and no enquiry was held before ordering reversion. It is also his contention that when the applicant had already been placed under suspension, there was no necessity for passing the impugned order of reversion. On the other hand, proxy counsel for respondents mentioned that since it is a case of appointment purely on adhoc arrangement, it can be put to an end whenever the administration feels promotion could not be continued.

5. After hearing both sides and perusing the materials on record, we find that the applicant's promotion as Dy. Superintendent was purely on adhoc basis and it was a stop-gap-arrangement. Therefore, as per rules it will not confer any legal right on the applicant to continue on the post unless he is regularised or promoted on a regular basis according to law. An adhoc arrangement or adhoc promotion can always be terminated since it will not confer any legal right on the adhoc promotee. The impugned order

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(4)

dated 14.6.95 is at page 11 of the paper book, it simply says that the adhoc and emergent appointment of the applicant to the post of Dy. Superintendent is terminated and reverted as Welfare Officer. It does not make reference to the order of suspension or any pending disciplinary enquiry or casts any stigma on the conduct and character of the applicant. Therefore, the impugned order dated 14.6.95 is a simplicitor order of reversion of an adhoc promotee. Therefore, in the facts and the circumstances of the case, we do not find any illegality in the impugned order dated 14.6.95. It is true that the applicant was already under suspension, there was no necessity for an order of reversion. The administration could have continued the applicant as Dy. Superintendent under suspension but it is for the administration to decide whether to revert to the lower post if they find that continuation of adhoc arrangement was not necessary. As long as the order of reversion is valid since it was a stopp-gap-arrangement, we do not find any illegality in the impugned order.

Hence, we cannot grant any relief to the applicant.

6 In the result, this OA is dismissed. No order as to costs.


(J.L.NEGI)
MEMBER (A)


(R.G.VAIDYANATHA)
VICE CHAIRMAN (J)

/sunil/