

Central Administrative Tribunal
Principal Bench

O.A. No. 2420 of 1995

New Delhi, dated this the 6th January, 2000

(b)

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

Shri C.K. Unni Menon,
Section Officer (Retd.), C.A.T.
R/o Cheroot House.
Ambikapuram,
Palakkad.
Kerala.

Applicant

(By Advocate: Shri C. Hari Shankar)

Versus

1. Union of India through
the Secretary,
Dept. of Personnel & Training.
Ministry of Personnel, Public Grievances & Pensions.
North Block, New Delhi-110001.

2. Central Administrative Tribunal
Principal Bench through its
Registrar,
Faridkot House,
New Delhi.

Respondents

(By Advocate: Shri N.S. Mehta)

ORDER

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant seeks a direction to respondents to
consider him as having been appointed in C.A.T. as
Section Officer instead of Sr. Personal Assistant from
the date of his joining i.e. 2.12.85 with all
consequential benefits.

2. Applicant who began service in Department of
Atomic Energy as a Junior Stenographer on 27.3.58. was
promoted as Stenographer on 10.4.64; as Personal
Assistant on 1.2.71. and as Superintendent on officiating
basis on 15.2.75. Thereupon he was reverted to the post

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of Personal Assistant on 17.12.76 (Annexure A/2). Meanwhile he was sent on deputation to the Urban Arts Commission as Sr. P.A. While working there, applicant submitted an application for being appointed on deputation as S.O., Sr. P.A. or P.A. in C.A.T. and by order dated 31.10.85 (Annexure A-4) he was selected as Sr. P.A.

3. Meanwhile applicant had represented against his reversion from the post of Superintendent to that of P.A. in Dept. of Atomic Energy, and on that representation being rejected, he filed T.A. No. 15/87 in C.A.T., Bangalore Bench, which was allowed by order dated 24.9.87 (Annexure A/6), directing respondents to reinstate applicant as Superintendent from the date of his reversion i.e. till he was absorbed elsewhere in an equivalent or higher cadre.

4. Applicant now contends that consequent to the aforesaid order dated 24.9.87, his appointment as Sr. P.A. was clearly not in order, as a Superintendent could not by virtue of his line of service be deputed as Senior P.A., and consequent to the above order he stood entitled to have been appointed in C.A.T. as S.O. w.e.f. 1.2.85.

5. Heard both sides.

6. When applicant came on deputation to C.A.T. in 1985 his selection as Sr. P.A. was in order. The fact

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that his reversion from the post of Superintendent to that of P.A. in his parent organisation was subsequently struck down by the Tribunal by its order dated 24.9.87 does not give applicant an enforceable legal right to compel respondents to consider him as having been appointed as S.O. in C.A.T. retrospectively from the date of his deputation, more so when he himself had given a written undertaking on 27.4.94 (Annexure R-1) conveying his willingness to be considered for regular absorption as S.O. only w.e.f. 1.11.89 and disclaiming ~~claim~~ any seniority, pay fixation, or other service benefits rendered by him while on deputation as Sr. P.A. in C.A.T. prior to 1.11.89. In this connection respondents have correctly pointed out that in view of this written undertaking, applicant is now legally estopped from raising the present claim.

7. We, therefore, find no good reason to intervene in this O.A. which is dismissed. No costs.

Lakshmi Swaminathan
(Mrs. Lakshmi Swaminathan)
Member (J)

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

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