

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 2284 of 1996  
M.A. No. 1663 of 1997

New Delhi this the 10th day of September, 1997

HON'BLE DR. JOSE P. VERGHESE, VICE CHAIRMAN(J)  
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

Shri G.P. Aggarwal  
S/o Shri Amba Prasad Aggarwal  
R/o 631, Nimri Colony,  
Delhi-110 052. ..Applicant

By Advocate Shri C.B. Pillai.

Versus

1. The Chief Secretary,  
Government of National Capital Territory  
of Delhi,  
Delhi.
2. The Director,  
Department of Social Welfare,  
Government of NCT of Delhi,  
New Delhi. ...Respondents

By Advocate Shri Rajinder Pandita.

ORDER (ORAL)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman

The order challenged by this O.A. is the one dated 28.2.1996 by which the applicant's ad hoc appointment was terminated but only reverted him to the post of Welfare Officer as a consequence of the said termination and as such, this termination order does not have the effect of removing him from the employment altogether.

The main challenge to this order is that the respondents are imputing stigma against the applicant on the basis of certain incident that has

resulted in holding of disciplinary proceedings against the applicant, and the applicant submits that reversion order of this nature would amount to be a punishment awarded before the conclusion of the disciplinary proceedings.

(2)

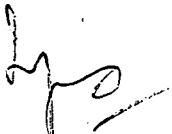
After notice, reply has been filed. The pleadings are complete. We heard the arguments on both sides and we find that the impugned order dated 28.2.1996 was not a termination order but rather a reversion order. It was stated that this order of reversion has been passed, not because there are disciplinary proceedings pending against him but because the ad hoc appointment which has been continued from time to time, was not extended in the case of the applicant even though it was extended in all other cases for the reasons of the pendency of the disciplinary proceedings. Thus the pendency of the disciplinary proceedings has only a remote relation with the impugned reversion order, which has now been challenged.

We are not going into the merits of the pendency of the disciplinary proceedings, nor is it a case of suspension of the applicant from service. The respondents have only declined to give sanction or extension of ad hoc appointment on a reasonable ground and that order is not under challenge before us.

In the facts and circumstances of the case, we find no reason to interfere with this order of reversion even though it happens to be the one issued under the circumstances, during the pendency of the disciplinary proceedings. The disciplinary proceedings are said to be almost at the final stage and the respondents shall pass appropriate orders considering him to continue his ad hoc appointment with due date, as that of his similarly placed colleagues, after the disciplinary proceedings reaches conclusion, in favour of the applicant. In case the disciplinary proceedings are concluded adversely, the order passed in that regard will be subject to challenge in accordance with law by the applicant.

(B)

With these orders, the O.A. as well as M.A. is disposed of. No costs.

  
(K. MUTHUKUMAR)  
MEMBER (A)

  
(DR. JOSE P. VERGHESE)  
VICE CHAIRMAN(J)

Rakesh.