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Central Administrative Tribunal  
Principal Bench

O.A. No. 2383 of 1997

New Delhi, dated this the 9 January, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri P.S. Bhatia,  
S/o Shri R.S. Bhatia,  
R/o Q-18, Jangpura,  
New Delhi-110014. .... Applicant

(By Advocate: Shri B.S. Mainee)

Versus

Union of India through  
the Foreign Secretary,  
Ministry of External Affairs,  
New Delhi. .... Respondent

(By Advocate: Shri N.S. Mehta)

ORDER

S.R. ADIGE, VC (A)

1. In this O.A. filed on 6.10.97 applicant impugns the reversion order dated 1.6.92 (Annexure A-1A) and the order dated 29.8.97 (Annexure A-1) rejecting his representation dated 21.7.97.

2. Applicant's cause of action arose on 1.6.92. M.A. No. 2336/97 has been filed seeking to explain the delay in which it is contended that applicant was making representations from time to time but without success. These grounds do not adequately explain the delay. If indeed applicant's representation did not meet with success, it was open to him to have approached the Tribunal within the period prescribed under the A.T. Act.

3. We have also examined applicant's claim

on merit.

4. As per UDC (Telegraphists) Rules 1969 promulgated under Article 309 of the Constitution, and amended (also under Article 309 of the Constitution) on 6.8.71 (Annexure R-II), the post of UDCs (Telegraphists) is to be filled through deputation from amongst,

- (a) office of Grade VI of General Cadre of IFS Branch B
- (b) Telegraphists from P&T Dept. who have put in atleast three years of service.
- (c) Transfer of permanent Telegraphists from P&T Dept.

5. Admittedly applicant does not belong to category (b) and (c) above, and it is not denied that he belongs to category (a) above.

6. Under the circumstances, even if applicant has been described differently in copies of certain correspondence on record, there can be no doubt that applicant's appointment as Telegraphist was as a deputationist, because ~~as <sup>anything else</sup> ~~they~~ ~~else~~~~ would be contrary to <sup>the</sup> Recruitment Rules (as amended) which have the protection of Article 309 of the Constitution.

7. Applicant, being appointed as a deputationist, has no enforceable legal right to be absorbed on the post and it was within the competence of respondents to revert him to his substantive post.

8. Applicant's counsel has filed written submissions in which certain rulings have been referred to which have been taken on record, but in the light of the unambiguous rule position, those rulings do not advance applicant's claims. The O.A. warrants no interference. It is dismissed. No costs.

A. Vedavalli

(Dr. A. Vedavalli)  
Member (J)

S. R. Adige

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

'gk'