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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. No.742 of 1997

Decided on: 15.03.1999

Shri B.S. SaxenaApplicant

(By Mrs. S. JananiAdvocate)

Versus

Union of India and OthersRespondent(s)

(By Shri K.R. SachdevaAdvocate)

CORAM:

THE HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

THE HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

1. Whether to be referred to the Reporter or not? yes
2. Whether to be circulated to the other Benches of the Tribunal? No

(K. MUTHUKUMAR)
MEMBER (A)

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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 742 of 1997

New Delhi this the 15th day of April, 1999

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

Shri B.S. Saxena
Central Ordnance Depot,
Delhi Cantt.
New Delhi.

..Applicant

By Advocate **Mr S.S. Janani.**

Versus

1. Union of India through
Secretary,
Ministry of Defence,
New Delhi.
2. The Director General of Ordnance Services,
Master General of Ordnance Branch,
Army Headquarters DHQ P.O.,
New Delhi-110 011.
3. The Army Ordnance Corps Records,
P.B. No.3, Trimulgherry P.O.,
Secunderabad-500 015.
4. The Commandant,
Central Ordnance Depot,
Delhi Cantt.,
New Delhi.

..Respondents

By Advocate Shri K.R. Sachdeva.

ORDER

Hon'ble Mr. K. Muthukumar, Member (A)

Applicant is aggrieved that the respondents have reverted him from the post of Assistant Cashier to that of Lower Division Clerk (hereinafter referred to as LDC) by their impugned order dated 15.4.1993 which is Daily Order Part-II No.40/93 dated 13.4.1993 without any notice to him and consequently due to this reversion, he had suffered a reduction in the basic pay from Rs.1350/- to Rs.1250/- and he was not given any pay protection. He submits that he had put in six years of service as

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Assistant Cashier and there was no complaint against him. In view of this, he has prayed for quashing of the impugned order reverting the applicant to the post of LDC and for a direction to reinstate him as Assistant Cashier with all consequential benefits.

2. The respondents have contested this application and in their averments have submitted that he was reverted as he was irregular in his attendance as seen in the past record and due to frequent absence from duty, smooth functioning of the Cash Office was adversely affected and hence he was reverted as he was found to be unsuitable for this post. They have stated that the applicant had been granted the benefit of service rendered by him as Assistant Cashier and was reverted to the post of LDC according to the rules and his pay was also duly fixed in accordance with the rules. The respondents have also stated that he was placed under suspension while working as Assistant Cashier w.e.f. 25.8.1994 following his arrest in connection with misappropriation of Government funds and the irregularities committed by the applicant.

3. We have heard the learned counsel for the parties and have perused the record.

4. At the outset, it is seen that the applicant was selected for the post of Assistant Cashier and the respondents issued the promotion-cum-posting order by the order dated 4.7.86 posting him as Assistant Cashier at Meerut. There is no averment either in the application


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or in the respondents counter-reply that the applicant has been promoted to higher scale of pay in the cadre as Assistant Cashier. Taking into account the additional responsibilities of a Cashier, the respondents issued the aforesaid order while posting him as Assistant Cashier. Generally, the post of Cashier/Assistant Cashier are not cadre posts in the hierarchy of the clerical post but are generally ex-cadre posts for which certain remuneration by way of either pay is granted to compensate for the arduous duties attached to the post and the rates of special pay are with reference to the amount of cash transactions required to be handled. There is no vested right for a Government servant to be considered for such posting as Assistant Cashier or Cashier. In view of this matter, it is not appropriate to consider the posting of the applicant as by way of promotion to a higher post carrying a higher scale of pay. The respondents have reverted him to his original post of LDC due to his unsatisfactory performance in the post. It is not material as to how long a person has been working as a Cashier. In a sensitive area like cash department, it goes without saying that respondents cannot possibly retain an official if he is found to be irregular or his performance is not satisfactory for the proper working of the Cash Department. No vested right of the applicant has been affected by his posting back as LDC. The reversion ^{to} ~~from~~ this post of LDC is not a punitive order but has been done in consideration of the fact that

respondents are not satisfied with the performance of the applicant. In such circumstances, there is no requirement of a show cause notice to the applicant before such reversion.

5. In the light of the foregoing, we do not find any merit in the application and it is accordingly dismissed. No order as to costs.


(K. MUTHUKUMAR)
MEMBER (A)


(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

Rakesh