

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 852/1997

New Delhi, this the 27th March, 2000.

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HON'BLE SHRI JUSTICE V. RAJAGOPALA REDDY, V.C. (J)

HON'BLE SMT. SHANTA SHASTRY, MEMBER (A)

Mohinder Kumar SCM,
Stn Wksp, EME, Delhi Cantt-16,
R/O 1/206/18 Sanatan Dharam Mandir,
Sadar Bazar,
Delhi Cantt.

... Applicant

(By Shri Amrit Bhalla, proxy for Shri A.K. Bhardwaj, Adv.)

-versus-

1. Union of India through
Secretary, Ministry of Defence,
North Block, New Delhi.
2. Director General,
EME (EME Civ.), Army Hqrs.,
DHQ PO, New Delhi-11.
3. Officer-in-Command,
EME Record Office,
Secunderabad.
4. Commanding Officer,
Station Workshop EME,
Delhi Cantt.-110010.
5. Commandant,
Central Vehicle Depot Workshop,
EME, Delhi Cantt.

... Respondents

(By Shri P.I. Oommen, proxy counsel along with Shri T.R. Arya, UDC, departmental representative)

O R D E R (ORAL)

Shri Justice V. Rajagopala Reddy, VC(J) :-

The applicant was promoted as a Vehicle Mechanic in May, 1979. In the year 1988, a trade test was held for promotion to the post of Chargeman. On qualifying the trade test, on the recommendation of the DPC, he was promoted as Chargeman by order dated 4.5.1990. It is the case of the applicant that there was no mention about putting the applicant on probation for any period in the order of appointment and that there can be no probation


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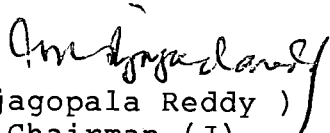
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for a person promoted from one grade to another within the same service. The applicant was, however, put on probation for a period of two years. On expiry of the period of two years, the applicant was put on extended probation. By the impugned order it is stated that he was declared not fit and hence he was likely to be reverted to his lower post. This order is under challenge in this O.A.

2. It is the case of the respondents that in view of the performance of the applicant which was not satisfactory, he was not confirmed in the promoted post. Hence, he was ~~sought~~^{likely} to be reverted.

3. It is seen from the impugned order that a decision was taken ~~only~~^{to} to revert the applicant; no order has, however, been passed actually reverting the applicant to the lower post. The question whether the applicant could be reverted or not on completing probation can be decided only when an order is passed reverting him. In the absence of such an order, the applicant cannot seek a declaration that he should not be reverted. In the circumstances, we are of the view that the O.A. is premature. The same is, therefore, dismissed. No costs.


(Shanta Shastry)
Member (A)


(V. Rajagopala Reddy)
Vice Chairman (J)

/as/