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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1337/2000

with MA No. 2642/2000

New Delhi: this the 14<sup>th</sup> day of December, 2000.

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

HON'BLE DR.A.VEDAVALLI, MEMBER (J)

Smt.Asha Singhal,  
W/o Shri V.K.Singhal,  
R/o 666, Block-4,

Baba Kharak Singh Marg,

New Delhi

.....Applicant.

(By Advocate: Shri U.S.Chaudhary)

Versus

1. Union of India,

through its Secretary,  
Ministry of Mines & Minerals,  
Dept. of Mines,  
Shastri Bhavan,  
New Delhi.

2. The Secretary,

Department of Personnel & Training,  
Ministry of Personal & Public Grievances & Pensions,  
North Block,  
New Delhi-1

3. Under Secretary,

Ministry of Mines,  
Govt. of India,  
Shastri Bhavan,  
New Delhi.

4. Sh.Partha Kansabanik ,

S/o Sh.Dhiven Kansabanik,  
R/o 23-A/4A Tilak Nagar,  
New Delhi-18.

5. Sh.Kalyan Kumar Acharya,

S/o Sh.P.K.Acharya,  
No.36-B, Pocket-A,  
Hari Nagar,  
New Delhi-64.

....Respondents.

(By Advocate: Shri A.K.Bhardwaj for Official Respondents.  
Shri S.K.Sharma for Intervenors)

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ORDER

S.R. Adige, VC(A):

Applicant impugns respondents' order dated 7.7.2000 (Annexure-A/1) reverting her from the post of Section Officer.

2. Applicant, a permanent Assistant in Ministry of Mines, was promoted as Section Officer vide order dated 1.6.94 (Annexure-A/2) w.e.f. 31.5.94 on purely temporary and adhoc basis for a period of 6 months or till the vacancy existed, whichever was earlier. That order was extended from time to time, as a result of which applicant continued on the post of Section Officer on temporary and adhoc basis.

3. Respondents in their reply have pointed out that applicant was promoted as SO w.e.f. 31.5.94, because S/Shri P.Kansabanik and K.K.Acharya, who were also permanent Assistants in Mines Ministry, and were seniors to applicant, could not be promoted as Section Officer on adhoc basis, as they had not completed the requisite 8 years' approved service in Assistant grade for being eligible for promotion as SO on adhoc basis. As per DOPT's OM dated 20.4.2000, approved service of Direct Recruit Assistants of 1989 batch to which S/Shri Kansabanik and Acharya belong has to be counted from 1.7.91, and on that basis they acquired the necessary eligibility qualification for promotion as SO on adhoc basis w.e.f. 1.7.99. Now they have to be promoted as SO on adhoc basis pending regular promotions which has necessitated reversion of applicant and others vide impugned order dated 7.7.2000.

4. Applicant's counsel has relied upon certain orders passed by the Tribunal to the effect that one adhoc appointee cannot be replaced by another adhoc appointee. These orders cannot be construed to perpetuate a situation where a person who is admittedly junior to another continues as SO on adhoc basis, while her senior remains as Assistant. This itself would be arbitrary, discriminatory and hence violative of Articles 14 and 16 of the Constitution.

5. In an identical case bearing OA No.2398/99 N.K.Dudeja Vs. UOI & Ors, the challenge to the reversion which had been necessitated because the senior had acquired the eligibility qualification of 8 years approved service as Assistant, was dismissed, after hearing both sides by order dated 3.4.2000.

6. We as a Coordinate Bench respectfully agree with that order dated 3.4.2000, and for the reasons contained therein, which mutatis mutantis are equally applicable in the present OA, find no good grounds to interfere with the impugned order dated 7.7.2000.

7. The OA is therefore dismissed. No costs.

A. Vedavalli

( DR. A. VEDAVALLI )  
MEMBER (J)

S. R. Adige  
( S. R. ADIGE )  
VICE CHAIRMAN (A).

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