

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1639/2000

New Delhi: this the 9th day of November, 2000.

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

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

1. Shri Sri Chand,
S/o Shri Mam Chand,
R/o 416, Chirag Delhi,
New Delhi-17

2. Shri M.K. Lavahe,
S/o Shri N. Lavahe,
R/o 143, Kishangarh,
New Delhi-70

.....Applicants.

(By Advocate: Shri George Paracken)

Versus

1. Union of India,
through Secretary,
Ministry of Urban Development
& Employment,
Nirman Bhavan,
New Delhi

2. Director General (Works),
CPWD, Nirman Bhavan,
New Delhi-11

.....Respondents.

(By Advocate: Shri Gajendra Giri)

ORDER

Mr. S.R. Adige, VC(A):

Applicants impugn respondents' order No. 203 dated 3.11.99 (Annexure-A) reverting them from the post of Executive Engineer to which they had been promoted on adhoc basis, consequent to the issue of regular promotion order to the post of Executive Engineer vide Office Order No. 201 dated 3.11.99.

2. Heard both sides.

3. Applicants' counsel relies principally upon the Tribunal's order dated 1.5.2000 in OA No. 57/2000 Harmeet Singh & Ors. Vs. UOI & Ors. (Annexure-H) in which

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after referring to DOPT's OM dated 30.4.83 and OM dated 30.9.83 had observed.

"If adhoc appointees who had been appointed as Executive Engineers on adhoc basis later in point of time to the applicants, should be reverted prior in point of time to the applicants."

4. Applicants' counsel contends that while they were promoted as Exe.Engineers on adhoc basis vide order dated 23.4.98 (Annexure-B) others such as Shri A.P.Jugran although senior to them, were promoted as Exe.Engineer on 23.9.98 (Annexure-C) and in terms of the aforesaid CAT order dated 1.5.2000 should have been reverted first but respondents have not done so and instead have reverted applicants who were promoted as Exe.Engineer prior to Shri Jugran & Ors.

5. It is clear from para 2 of the aforesaid order dated 1.5.2000 that respondents' instructions require that when regular promotions are made all adhoc appointees are to be reverted in reverse order of seniority, the juniormost candidate being reverted first. Applicants have not indicated the names of anyone junior to them in the seniority list who have been retained as Exe.Engineer on adhoc basis, while they themselves have been reverted. Applicants' counsel referred to Shri A.P.Jugran (Sl.No.1028 in the seniority list; Shri S.P.Kappor (Sl.No.1030); Shri N.P.Kukreti (Sl.No.1032 and Shri D.J.Mondal (Sl.No.1034), but all of them are far senior to applicants whose seniority numbers are 1559 and 1624 vide impugned order dated 3.11.99(Annexure-A). The above extracts from the Tribunal's order dated 1.5.2000

have to be read in the context of DOPT's OM's dated 30.4.83 and 30.9.83 and cannot be read out of context and construed in a manner so as to do violence to those OM's.

6. Indeed we find that applicants had impugned the same order dated 3.11.99 in OA 2424/99 which was dismissed by order dated 17.2.2000 against which CW No.1717/2000 was also dismissed by the Delhi High Court on 24.4.2000. Respondents have taken the plea that this OA is hit by res-judicata which is denied by applicant, but even without going into that controversy, it is clear that the OA warrants no interference and is dismissed. No costs.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER (J)

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

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