

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. No. 134 of 1989

New Delhi, this the 22nd day of March, 1994.

Hon'ble Mr Justice S.K.Dhaon, Vice Chairman
Hon'ble Mr B.N.Dhoundiyal, Member(A).

Shri Lalan Chaudhary, Peon, office of the C.I.T.
(DR) before the Settlement Commission, Lok Nayak
Bhawan, Khan Market, 4th Floor, New Delhi, S/O
Shri Vishwa Nath Chaudhary, resident of Type-II,
349, Income-Tax Colony, Uttari Pitam Pura,
Delhi-34.

..... Applicant.

(None appeared - though represented by a counsel)

vs.

1. Union of India,
through Secretary,
Ministry of Finance, New Delhi.
2. Director General(Investigation),
4th Floor, Mayur Bhawan, Cannaught Circus,
New Delhi-1100 01. Respondents.

(None appeared - though represented by a counsel)

ORDER(oral)

JUSTICE S.K.DHAON, VICE CHAIRMAN

The order dated 10th May, 1986, reverting
the applicant from the post of adhoc L.D.C. to a
substantive post of Peon with effect from
26.5.1986 is being impugned in the present application.

2. On 30.11.1984, four Peons, including the
applicant, working in the Directorate of
Inspection(Investigation), were appointed to
officiate as L.D.C., purely on adhoc basis against
short-term vacancies. Their appointments were
initially made upto 31.3.1985 or until the
candidates sponsored by the Staff Selection Commission
were available, whichever event occurred earlier.
In the order, it was made clear that the adhoc

appointments would not confer on them any right for regular promotion in the grade and they were liable to be reverted to the grade of Peon at any time without assigning any reasons therefor. It was also made clear that the appointments were made subject to the condition that the appointees would not be eligible for drawing increment in the pay-scale till they acquire a speed of 30 Words Per Minute in typewriting.

3. In the counter affidavit filed on behalf of the respondents, the material averments are these. Under the relevant Rules, the applicant was required to pass a typewriting test. He did not pass the said test conducted more than once. Since he could not pass the test, he alongwith other candidates, who were similarly situated, was nominated for a typing course conducted by the Central Secretariat Training School. The applicant applied for leave. While granting leave, he was informed that he should report for typewriting training which was scheduled to start on 26.5.1986. His leave was granted subject to his reporting for the training and also that if he did not join the classes on 26.5.1986, he would be reverted as Peon without giving him any further opportunity.

The applicant did not report for the classes inspite of the specific instructions issued vide letter dated 1.5.1986. Consequently, he was reverted to the post of Peon. The application has become infructuous as the applicant has been promoted on adhoc basis w.e.f. 31.1.1989 (A.N.).

4. Having gone through the contents of the O.A., the counter-affidavit filed on behalf of the respondents and the rejoinder-affidavit filed by the applicant, we are satisfied that the applicant

is not entitled to any relief.

5. The applicant acquired no right, whatsoever, on the basis of the adhoc promotion given to him. He was warned in the order of appointment itself that he was liable to be reverted to his original post at any time without any notice. In the counter affidavit, reasons have been set out for passing the impugned order. The reason is that the applicant, inspite of an opportunity, being given to him, failed to pass the typewriting test. We do not find any element of arbitrariness in the impugned order.

6. The application is dismissed but without any order as to costs.

B.N.Dhondiyal
(B.N.Dhondiyal)
Member(A)

S.K.Dhaon
(S.K.Dhaon)
Vice Chairman

/sds/