

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A. No.41/89

New Delhi, this the 31st day of January, 1994.

SHRI J.P.SHARMA, MEMBER(J).
SHRI B.K.SINGH, MEMBER(A).

Naib Subedar Mahabir Singh
son of Shri Hukum Singh,
R/o: H.No. 86, Meerut Road, Guldhar,
Distt. Ghaziabad (U.P.). ...applicant
(By advocate : None)

VERSUS

1. Union of India, Ministry of Home Affairs,
through its Secretary, New Delhi.
 2. Shri J.L. Kapoor, Officiating Commandant,
Mobile Civil Emergency Force,
Malviya Nagar, Area Saket,
New Delhi. ...Respondents
- (By advocate: ~~None~~)
L S. M. L. Verma

O R D E R (ORAL)

SHRI J.P.SHARMA :

The applicant was appointed as Constable in Mobile Civil Emergency Force (MCEF) in the year 1963 and promoted as Naik in 1967 and as Havildar in March, 1978 when he was selected for special training for Course of Nursing Assistant Class IV and he had undergone that training w.e.f. 10-4-1978. After completion of training, he was posted as Havildar Nursing Orderly in Malviya Nagar Extension, New Delhi w.e.f. 1-2-1980. He had also undergone Nursing Assistant Class III training. The applicant had also cleared the trade test by A.M.C. Centre and School, Lucknow. The applicant was promoted to the post of Naik Subedar on 02-9-1986 on ad hoc basis (annexure A) which goes to show that the promotion was purely ad hoc to be terminated at any time without notice and

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not conferring any benefits of seniority in the rank of Naik Subedar nor entitle him for regularisation by virtue of this posting. By the order of 20-12-1988 (Annexure D), the applicant was reverted to the rank of Havildar w.e.f. 27-10-88 and posted at Medical Platoon. The grievance of the applicant is against the aforesaid order. The applicant has prayed for the grant of the relief for quashing the aforesaid order.

2. The respondents in the reply have stated that the applicant has no case in view of the fact that the promotion was purely on ad hoc basis as is evident by the order of promotion dated 2-9-86. It is further stated that the scheme of MCEF was in the process of winding up and all the directly recruited staff was to be absorbed in the various police organisations and the deputationists will be accommodated in a C.P.O. to complete their tenure and the option was asked by the Addl. Asstt. Director General (Civil Defence), from the staff working there.

3. The respondents have also stated that no person has been appointed to replace the applicant. The order of reversion has been passed on the instructions of the competent authority.

4. It is an old case and was taken second time when none appeared for either side. We, therefore, decided to dispose of the case on merits looking to the pleadings on record as well as documents annexed to the respective pleadings.

5. As regards the position of the law is
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concerned, an ad hoc employee has no claim on the post. He serves on the post on the pleasure of the appointee and cannot claim that he should be continued. However, if he is discriminated against and a junior to him is taken for similar appointment on the same post, he can assail that order of reversion on the ground of arbitrariness. That is not the case here. The respondents have, therefore, relied in their reply on a number of authorities on this point, e.g., NARAYAN M. BHALL v. UOI 1987(4) SLJ(Ahd) 993; AJIT SINGH TOOFAN v. STATE OF HARYANA 1987(1) SLJ 22 and S.D.ROY v. UOI 1987(4) ATC 737.

6. The applicant has also filed the rejoinder but could not state any specific law protecting his case from reversion. In view of this fact, the law on the point is established that a person who works as a stop-gap arrangement on ad hoc basis cannot seek judicial review of reversion except when the order is mala fide, discriminatory or arbitrary. That is not the case here.

7. On merits also, we find the applicant has always been given due promotions but the Government of India is in the process of winding up MCEF. The contention of the applicant that post is vacant has no basis as the respondents in the reply have stated that the posts have lapsed.


8. There is none on behalf of the applicant to press as to how he has been prejudiced by the aforesaid letter of reversion because the promotion granted to

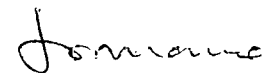
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him in September 1986 was only a stop-gap arrangement informing him in clear terms that he will not be entitled to any seniority or claim for regularisation on that post as well as can be reverted any time without assigning any reason or notice.

9. In view of the above facts and circumstances, we find no merit in the application and the same is dismissed, leaving the parties to bear their own costs.

10. Shri M.L.Verma, counsel for the respondents, appeared ^{when} after the above Order was dicated in the open court.


(B.K. SINGH)
MEMBER(A)


(J.P. SHARMA)
MEMBER(J)

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