

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. O.A. 377/ 1986.
T.A. No.

DATE OF DECISION 27th May, 1986.

Shri A.N. Saxena

Petitioner

Shri J.S. Bali and Shri R.L. Sethi Advocate for the Petitioner(s)

Versus

Union of India and Others

Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

The Hon'ble Mr. Kaushal Kumar, Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether to be circulated to all Benches? *Yes*

Chairman
(K. Madhava Reddy)
CHAIRMAN. 27.5.86.

Member
(Kaushal Kumar)
MEMBER. 27.5.86.

CENTRAL ADMINISTRATIVE TRIBUNAL
DELHI.

Regn. No. OA 377/1986.

27th May, 1986.

Shri A.N. Saxena

.....

Petitioner.

VERSUS

Union of India and Ors.

Respondents.

CORAM

Shri Justice K. Madhava Reddy, Chairman,
Shri Kaushal Kumar, Member.

Petitioner through Shri J.S. Bali and Shri R.L. Sethi,
Advocates.

(Judgment of the Bench delivered
by Shri Justice K. Madhava Reddy)

This is a petition for quashing the order dated 21.4.1986 by which the petitioner's representation dated 19.2.1986 addressed to the Secretary, Department of Statistics, regarding cancellation of his reversion from the post of Assistant Director was rejected. The petitioner who was working as Senior Investigator in the scale of Rs.550 - 900 (Class II Non-gazetted) was promoted to officiate on ad-hoc basis as Assistant Director on an ex-cadre post in the same organisation, by the Secretary, Ministry of Planning, Department of Statistics, New Delhi from the forenoon of 26th February, 1983 until further orders. This appointment was further extended for a period upto 31st December, 1983 or till the post is filled up on a regular basis, whichever was earlier. Upon the transfer of Shri Bhaskar Das Gupta (since expired), a Grade IV officer of ISS, on his request to the Central Statistical Organisation as Assistant Director, the petitioner was reverted to the post of Senior Investigator on 30.9.1983. The petitioner contends that his reversion to the post of Senior Investigator is "wrong, illegal, malafide, discriminatory, ultra-vires and most arbitrary".



...../2.

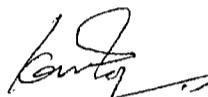
Though the order of reversion is alleged to be mala-fide, the petitioner has nowhere stated the material particulars. Neither the person accused of the allegation of mala-fides is named nor is he impleaded. Acceptance of the request of Shri Bhaskar Das Gupta for transfer to the Central Statistical Organisation by itself is not per se a mala-fide act towards the petitioner. Members of the service in the course of their employment do make representations for transfers and the concerned authorities have to take decisions thereon. There may be very genuine reasons for such request and conceding such a request cannot be termed as mala-fide so as to vitiate the order. Further it is patent from the Memorandum dated 21st April, 1986 that Shri Bhaskar Das Gupta was transferred on the direction of the Department of Personnel & A.R. and not at the instance of the respondent herein. The allegation of mala-fide has no legs to stand upon.

The contention that the impugned order is wrong, illegal, discriminatory and arbitrary is equally devoid of merit. The petitioner was promoted only on an ad-hoc basis till 31st December, 1983 or till the posts are filled up on a regular basis. The petitioner had no right to the post as his appointment as Assistant Director was only on an ad-hoc basis and till the post was filled up on a regular basis. Shri Bhaskar Das Gupta could validly be transferred and posted as Assistant Director in place of the petitioner. His contention that he had the right to continue in the post of Assistant Director at least upto 31st December, 1983 is not correct for even in the Notification dated 2nd August, 1983 extending his posting, it was specifically stated that he was to officiate on ad-hoc basis upto 31.12.83 "or till the posts are filled up

 B.

on a regular basis whichever is earlier". Since he had no right to the post and Shri Bhaskar Das Gupta could be transferred and posted as Assistant Director, the petitioner who was the junior-most ad-hoc promotee had to be reverted. It is not his case that any person junior to him was allowed to continue while he was ordered to be reverted. Transfers and postings have to be done having regard to the administrative exigencies. The reversion of the petitioner does not violate any specific rule or instructions; much less does it violate Article 14 or 16 of the Constitution.

This petition is, therefore, dismissed in limine.


(K. Madhava Reddy)
CHAIRMAN. 27.5.86.


(Kaushal Kumar)
MEMBER. 27.5.86.