

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

Regn. No. OA 497/86.

July 17, 1986.

Shri Nitish Kumar Roy

....

Petitioner.

Vs.

Union of India and others

....

Respondents.

CORAM:

Shri Justice K. Madhava Reddy, Chairman.

Shri Kaushal Kumar, Member.

For petitioner

Shri N.D. Batra, Advocate.

For respondents....

None.

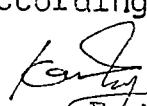
(Judgment of the bench delivered by
Shri Justice K. Madhava Reddy, Chairman).

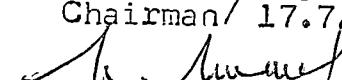
The petitioner a temporary Superintendent in the Directorate of Field Publicity (Headquarters) was appointed by order No. A-12020/2/80-Admn. dated 20th January, 1983 "to officiate purely on an ad-hoc basis to the post of Senior Superintendent in the Directorate of Field Publicity with immediate effect...". In this petition under Section 19 of the Administrative Tribunals Act, 1985, he calls in question his reversion from the post of Senior Superintendent to the post of Superintendent with immediate effect vide order No. C-13012/12/83-Admn. dated 4.12.1984.

2. It is not disputed that while reverting the petitioner, none junior to him was appointed to the post of Sr. Superintendent. His grievance is that although there was nothing adverse against him on record, he was reverted. He presumes that his reversion "has been ordered because of the disciplinary proceedings initiated by the Ministry of Information and Broadcasting vide its Office Memorandum No. C-13012/4(ii)/80-Vig dated 14.6.84 relating to certain acts and omissions regarding the date of birth of the applicant as recorded at the time

of his appointment in the Directorate of Field Publicity. The applicant was suspended from service on 26.3.82 pending the disciplinary proceedings but those proceedings were dropped on 1.12.1982".

3. It is his case that subsequently disciplinary proceedings were reopened and the applicant was chargesheeted vide Ministry of Information and Broadcasting's O.M. No.C-13013/4/(ii)/80-Vig. dated 14.6.84 and the applicant was ordered to be reverted at the instance of Vigilance authority. He alleges that the reversion is not on the ground of the unsuitability or any administrative ground but is made as a measure of punishment. This reversion of the applicant amounts to imposing a major penalty and is violative of Art.311(2) of the Constitution for/it as has been ordered without following the procedure laid down by Art.311(2) and the Rules governing the disciplinary proceedings. We are unable to agree with this contention. The petitioner had no right to the post. He was promoted to officiate purely on an ad-hoc basis. The order reverting him is wholly innocuous. It is not a case of dismissal, removal or reduction in rank within the meaning of Art.311 of the Constitution. This reversion is not ordered by way of any disciplinary action; it is made in the interest of administration. In the circumstances of the case, we do not think that the petitioner legitimately can complain of any violation of Art.311 or any Rule governing the disciplinary proceedings. When on his own showing, no junior to him has been promoted after reverting him, no question of violation of even Art.14 and 16 of the Constitution arises. This petition, therefore, fails and is accordingly dismissed.


(K. Madhava Reddy)
Chairman 17.7.86.


(Kaushal Kumar)
Member 17.7.86.