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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI

REGN. NO. OA 739/86

...

DATED: 25.11.1986

Shri **Bankey Lal**

...

Applicant

Vs.

Union of India

...

Respondents

Coram: Mr. Justice K. Madhava Reddy, Chairman

Mr. Kaushal Kumar, Member

For the Applicant

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Shri K.L. Sabharwal, counsel.

For the Respondents

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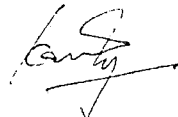
Shri KN.R. Pillai, counsel.

(Judgment of the Bench delivered by Mr. Justice
K. Madhava Reddy, Chairman)

The facts of this case and the matters arising for consideration are identical to those considered by us in Shri Om Paul Singh & Others Vs. Union of India (Regn No. OA. 841/86). For the reasons recorded in our judgment dated 25.11.1986 passed in the said case, this application is allowed to the extent indicated therein with no order as to costs. Similar directions as in O.A. No. 841/86 shall issue. A copy of the order passed in the said case is placed on this file also.



(Kaushal Kumar)
Member
25.11.1986



(K. Madhava Reddy)
Chairman
25.11.1986

REGN. NO. OA 841/86

Dated: 25.11.1986

Shri Om Paul Singh & Ors.

Applicants

Vs.

Union of India

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Respondents

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

For the Applicants

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Shri R.L.Sethi, counsel.

For the Respondents

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Shri K.N.R.Pillai, counsel.

(Judgement of the Bench delivered by Mr. Justice
K. Madhava Reddy, Chairman)

On 21.11.86 after hearing the parties at length we had made an interim order. The Respondents have filed a Reply. After hearing both the parties we find that the interim order practically redresses the entire grievance of the applicants and others similarly placed. The Respondents too cannot claim to have any right to revert the promotees to accommodate any person not qualified to be promoted. The applicants have been promoted on ad-hoc basis. The complaint of the applicants is that they are being reverted as Parcel Porters from the posts of Parcel Clerks for appointing in their place either directly recruited Parcel Clerks or Parcel Clerks junior to them who have not passed the requisite test. Promotion from the post of Parcel Porter to Parcel Clerk is by way of selection made on the basis of a written test and interview. 33-1/3% of posts of Parcel Clerks are reserved for promotion of such Parcel Porters. Therefore, there shall be a direction that for accommodating directly recruited Parcel Clerks the applicants promoted against 33-1/3% posts of Parcel Clerks reserved for the promotee shall not be reverted irrespective of whether their

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promotion was on a regular or officiating, ad-hoc or temporary basis. They shall also not be reverted to accommodate any of their juniors unless such juniors have been selected for appointment on passing the requisite test. They can be reverted to appoint those who are eligible to be appointed against this quota in accordance with the Rules. There shall be a further direction that the Parcel Clerks promoted on an ad-hoc or officiating basis shall not be reverted also long as any other Parcel Clerk junior to the applicants and who has not qualified by passing the test is continuing as such. If any Parcel Clerk senior to those who are now continuing, has already been reverted, he shall be restored to the Post of Parcel Clerk in terms of the above order. Nothing said herein would, however, prevent the Respondents from reverting the applicants to accommodate the Parcel Clerks who have been selected against the promotion quota in accordance with the Rules. But when any such reversion is effected the reversion shall be in the order of juniority, the junior most being reverted first.

2. In view of the above, if any senior Parcel Clerk who has been reverted or relieved from his duties, he shall be restored to his position within 2 weeks of the receipt of this order. This application is allowed to the extent indicated above with no order as to costs.

3. This order disposes off OA Nos. 734/86 to 736/86, 739/86 to 744/86 and 751/86 in the above terms. These applications too are allowed to the extent indicated above with no order as to costs.

Sd/x
(Kaushal Kumar)
MEMBER

Sd/x
(K. Madhava Reddy)
CHAIRMAN