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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

QA NO.1279/87

DATE OF DECISION: 12.05.1992.

Hari Krishan

...Applicant

Versus

Union of India

...Respondents

Coram:-

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (J)

The Hon'ble Mr. I.K. Rasgotra, Member (A)

1. Whether Reporters of Local Papers may be allowed  
to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*

For the applicant

Shri R.L. Sethi, Counsel.

For the respondents

Shri P.P. Khurana with

Shri J.C. Madan, Counsel.

Judgement (Oral)

(Delivered by Hon'ble Mr. P.K. Kartha, Vice-Chairman (J))

We have heard the learned counsel of both parties and gone through the records of the case carefully.

2. The grievance of the applicant relates to his reversion to the post of Labourer in the office of Controller of Publication, Civil Lines, Delhi by the impugned order dated 2.9.1987.
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3. The admitted factual position is that the applicant worked as Labourer in the Department of Publication under the Ministry of Urban Development and he applied for the post of Despatch Rider, pursuant to OM dated 2.4.1986, issued by the said Ministry. It has been stated in the said OM that the post of Despatch Rider will be filled up by considering the suitability of Group 'D' employees of the Ministry of Urban Development, possessing the eligibility conditions laid down in the Annexure to the OM. A reading of the OM together with the Annexure indicates that the post of Despatch Rider was to be filled up by transfer on deputation basis. The applicant was selected for appointment as Despatch Rider by office order dated 4.4.1986 and he joined the post on 8.6.1986. He worked as Despatch Rider till the impugned order was passed on 2.9.1987.

4. The respondents have stated in their counter-affidavit that according to the Recruitment Rules the post of Despatch Rider is to be filled up by transfer on deputation, failing which by direct recruitment. The lien of the applicant had been retained in his parent department during the period of his deputation.

5. The respondents have stated that the performance of the applicant as Despatch Rider was not upto the mark. They have stated that despite several

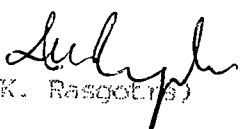
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oral warnings, the applicant did not show any improvement in his work. No disciplinary action could be taken against him, as he belongs to another cadre.

6. After hearing both sides, we are of the opinion that the impugned reversion of the applicant by the order dated 2.9.1987 from the post of Despatch Rider to that of Labourer cannot be called in question on any legal or constitutional <sup>grounds. 2</sup> ~~terms~~. The applicant had been reverted to the post which he had held substantively in the parent department, where his lien had been retained during the transfer on deputation. An employee on deputation, can at any time be reverted to his parent department, without giving any show cause notice to him. <sup>a</sup>

7. In the light of the foregoing, we see no merit in the present Application and the same is dismissed.

8. There will be no order as to costs.

  
(I.K. Rasgotra)  
Member(A)

  
(P.K. Kartha)  
Vice-Chairman

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