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CENRTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA 1383/87

Date of decision: 13-1-93.

R.K.Vashist

...Applicant

Versus

Union of India & Others

...Respondents

CORAM:

THE HON'BLE MR. JUSTICE V.S.MALIMATH, CHAIRMAN.
THE HON'BLE MR. S.R.ADIGE, MEMBER(A).

For the applicant

...None

For the respondents

...None

JUDGMENT (ORAL)

(BY HON'BLE MR. JUSTICE V.S.MALIMATH, CHAIRMAN) :

The petitioner has challenged the order dated 22-9-87 (Annexure A/1) by which he has been reverted from the post of TCI-II grade to the post of TCI-III grade. The case of the petitioner is that his reversion is arbitrary and illegal.

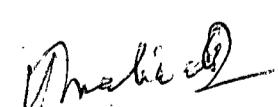
2. In the reply, the stand taken by the respondents is that the promotion accorded to the petitioner to TCI-II grade was not a regular promotion but an ad hoc promotion. It is further stated that the vacancy in which the petitioner was promoted was according to the 40-point roster reserved for being filled up from among the Scheduled Caste candidates. According to the respondents, the senior most Scheduled Caste candidate who could have been promoted in the vacancy reserved for the members of the Scheduled Caste was Shri Dharam Pal Singh. Shri Dharam Pal Singh was subjected to a disciplinary enquiry when his turn for promotion came. As he could not be promoted during the pendency of disciplinary proceedings

against him, the post was filled up by ad hoc promotion of the petitioner. Subsequently, Dharam Pal Singh became available on termination of the disciplinary proceedings. In order to accord promotion to Shri Dharam Pal Singh in the post reserved for the members of the Scheduled Caste, the petitioner who was promoted on ad hoc basis in the vacancy so reserved, came to be reverted. There is no good reason to disbelieve the factual statements made in the reply in this behalf. Ad hoc promotion does not confer any title or right to the post. The circumstances of the case make it clear that ad hoc promotion was given to the petitioner in a vacancy which was reserved for the members of the Scheduled Caste in accordance with the 40-point roster. So far as the petitioner is concerned, he does not belong to the Scheduled Caste community. As the petitioner was holding the post reserved for the members of the Scheduled Caste only on ad hoc basis, the authorities, in our opinion, were competent to revert the petitioner and to accord promotion to Shri Dharam Pal Singh who is a member of the Scheduled Caste community in the vacancy that is reserved for the members of the Scheduled Caste.

3. Hence, we see no good ground to interfere with this petition. This petition, therefore, fails and is dismissed. No costs.


(S.R. ADIGE)
MEMBER(A)

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(V.S. MALIMATH)
CHAIRMAN