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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

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Registration O.A. No. 1523 of 1987

Shri R.K. Sharma Applicant.

Versus

Union of India,
and others Respondents.

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Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. S.R. Adige, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The relieving order dated 15.10.1987 transferring the applicant from the post of Senior Technical Assistant to the post of Junior Technical Assistant is subject matter of this application and according to the applicant it tantamount to his reversion.

2. The applicant joined his services as Junior Technical Assistant on 4.9.1979. He was promoted to the post of Senior Technical Assistant in the grade of Rs. 650-960 on adhoc basis in place of one Mr. Bhattacharya who was transferred temporarily to N.V.T.I. On the return of Sri J.R. Chaudhary back to the parent office who was senior to the applicant, the applicant was proceeded on leave. In the meantime, Sri Chaudhary was repatriated and the post of Senior Technical Assistant was vacant and the applicant was selected on the said post. According to the respondents, during the period the applicant was reverted as Junior Technical Assistant on three occasions i.e. from 16.6.1982 to 6.9.1982,

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from 31.8.1985 to 9.9.1985 and on 1.7.1986 (for one day), and on the rest of the period, he was officiated as Senior Technical Assistant/ Senior Technical Assistant (Purchase) on purely temporary and adhoc basis and also on deputation for which orders had been issued for continuation etc from time to time.

3. The respondents have refuted the claim of the applicant and have stated that so far as the posting of the applicant against the post of Senior Technical Assistant (P) on adhoc temporarily transfer basis is concerned, it was made against the post of Senior Technical Assistant (P) at RVTI Hissar for taking advance action for purchase of equipment etc. for the new institutes without following the prescribed mode of recruitment, and when the applicant reports for duty to DGET Headquarters , which is his parent office is likely to be posted as Junior Technical Assistant, the post which he is holding on substantive and regular basis. As the vacancy of Senior Technical Assistant had fallen on reserved point for which eligible SC candidate was not available at that time, as such, the applicant was given the benefit of holding the post on adhoc basis. When the SC Candidate became eligible for promotion to the post of Senior Technical Assistant, his case was considered and promoted on adhoc basis. Therefore, even if the applicant had remained in DGET Headquarters he would have reverted to the post of Junior Technical

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Assistant at the latest when the eligible SC candidate was promoted on adhoc basis, and both these appointments at DGE&T Headquarters unit and on temporarily transfer basis at RVTI Hissar, had been purely on adhoc basis, the applicant cannot claim that he has completed the probationary period. In our opinion, the promotion of a particular person on adhoc basis for a particular period, cannot be treated to be probationary period. As the applicant has not been deprived from his regular post to which he is holding substantively but in the exigency of situation, he has been sent back to his parent department on a particular post, as such, no legal right of the applicant has been affected and this application is without any merit and accordingly it is dismissed. Parties to bear their own costs.

Member (A)

Vice-Chairman

Dated: 16.3.1993

(n.u.)