

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(6)

REGN. NO. D.A. 150/87.

DATE OF DECISION: 3rd August, 1992.

Mahipal Singh. ... Petitioner.

Versus

Union of India & Ors. ... Respondents.

CORAM: THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner. ... None.

For the Respondents. ... None.

JUDGEMENT (ORAL)

(Hon'ble Mr. Justice V.S. Malimath, Chairman)

None appeared either for the petitioner or for the respondents. As this is a very old case, we consider it appropriate to look into the record and dispose of this matter on merits.

2. The petitioner has approached this Tribunal for a direction to restrain the respondents from reverting him from the post of Lower Division Clerk to that of the Peon. The respondents have stated that the order of reversion was made on 9.1.1987 when the petitioner was on leave. When he reported to the office on 19.1.1987, the order of reversion was sought to be served on him. He declined to receive the same and thereafter approached the Tribunal. This conduct of the petitioner cannot be appreciated. Be that as it may, on merits also we do not find any case. The respondents have stated that the petitioner's appointment was only on an ad hoc basis and the petitioner had to be reverted to his substantive post as no vacancy was available on which he could be continued. There is no reason to disbelieve the statement of the respondents. If there was no vacancy on

which the petitioner could be accommodated, the reversion of the petitioner from ad hoc appointment cannot be faulted. Besides, so far as regular induction is concerned, the petitioner was given an opportunity to pass the selection test. The petitioner took the test, but did not qualify himself. Hence, he cannot claim ~~for~~ appointment on regular basis either, he not having earned eligibility by passing the selection test.

3. For the reasons stated above, this petition fails and is accordingly dismissed. No costs.

I. K. Rasgotra

(I.K. RASGOTRA)
MEMBER (A)

V. S. Malimath

(V.S. MALIMATH)
CHAIRMAN

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