

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

* * * *

O.A. NO. 262/87

DATE OF DECISION : 17 .08.1992

Shri Amar Nath & Ors.

...Petitioners

Vs.

Union of India & Ors.

...Respondents

CORAM

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

Hon'ble Shri J.P. Sharma, Member (J)

For the Petitioners

...None

For the Respondents

...None

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

(JUDGEMENT) ORAL

(DELIVERED BY HON'BLE SHRI I.K. RASGOTRA, MEMBER(A))

Although none represented the Petitioners, we consider it proper to dispose of this case, being an old matter. The grievance of the petitioners is that they were promoted vide order dt. 11.11.1983 from the post of Selection Grade Auditor to the grade of Supervisor in the pay scale of Rs.500-900 w.e.f. 1.11.1983, they were reverted to their substantive post of Selection Grade Auditor vide order dt. 9.3.1985 w.e.f. the same date. We observe from the promotion orders that the petitioners were promoted purely as a temporary stop gap arrangement with the condition that they would be reverted as and when qualifie

hands become available. These facts have not been disputed by the respondents in their counter affidavit. They have stated that before the petitioners were reverted, whether C&AG's office was requested on 1.6.1984 to clarify on the availability of the successful candidates in Section Officer's grade Examination held in November, 1983, the petitioners could be reverted. The C&AG advised the respondents office as under :-

"Supervisors cannot be allowed to continue as such in audit offices, if section officer's Grade Examination passed qualified officers are awaiting promotion. If staff have passed Section Officers' Grade Examination, the Supervisors are to be reverted as their appointments were only temporary as a stop-gap arrangement."

The petitioners' stand is that in terms of para 3.5 of the Supplement Manual issued by the C&AG's office, the petitioners should not have been reverted. The said paragraph from the Supplement Manual has been reproduced by the respondents in para 4.3 of their counter-affidavit. The said paragraph reads as under :-

"In already separated Audit Offices 30% of the Section Officers' Posts and 80% of the Auditors' posts shall be made available in the higher scales (Rs. 650-1040 and Rs. 425-800) to the existing Section Officers and Auditors in the total existing sanctioned strength. Existing supervisors shall be adjusted to the extent of 20% of Section Officers' post in the scale of Rs. 500-900 in separated Audit Offices. This would be purely personal to them."

The petitioners herein who were substantive Selection Grade

Auditors in the scale of Rs.425-700 were promoted as Supervisors on 22.3.1983 and 1.11.1983 prior to the restructuring of the cadres into the Audit and Accounts wings. These promotions were ordered due to shortage of qualified SAs personnel. Further the appointment of the petitioners was purely as a stop-gap arrangement until qualified officers became available. The provisions made in para 3.3.5 of the Supplement Manual, therefore, do not provide any protection to the petitioners against reversion. In the circumstances, we are not inclined to interfere in the matter and the same is dismissed. No costs.

J. P. Sharma
(J.P. SHARMA)
MEMBER (J)
17.08.1992

I. K. Rastogi
(I.K. RASTOGI)
MEMBER (A)
17.08.1992

AKS