

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

5

O.A. No.735/1987. Date of decision: September 23, 1992.

Smt. Radha Bhalla and others ... Petitioners.

Vs.

Union of India and others ... Respondents.

CORAM:

HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.

HON'BLE MR. I.K. RASGOTRA, MEMBER (A).

For the petitioners ... Shri E.X. Joseph,
counsel.

For the respondents ... Shri P.P. Khurana,
counsel.

JUDGMENT (ORAL)

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

The three petitioners were in the cadre of U.D.Cs. They were promoted on ad hoc basis as Inspectors of Central Excise (OG). The first two petitioners were appointed on 28.2.1985 and the third petitioner was appointed on 9.5.1985. They were reverted to their ~~present~~ post of U.D.C. by order dated 12.5.1987 (Annexure A-I). The petitioners have challenged their reversion and have prayed that their services should be regularised in the cadre of Inspectors from the date of their initial appointment on ad hoc basis as Inspectors.

2. The petitioners case is that they were appointed on ad hoc basis after their selection by the D.P.C.

✓ The reversion is justified by the respondents on the

ground that there were no vacancies in which the petitioners could be continued. It is their case that the petitioners were appointed in the posts created/sanctioned from time to time on cost recovery basis and that such posts were to last only for a temporary period as long as persons concerned were willing to meet the cost. It is their case that the process adopted for filling up the cost recovery posts was not the same as was required to be followed in the matter of filling up those posts on regular basis. In other words, the standard adopted by the D.P.C. was not as high or rigid as is adopted for filling up the posts on regular basis. As the vacancies ceased, their appointments had to be terminated. There is no good reason to reject the statement of the respondents in the reply that these posts ceased to exist which necessitated the reversion of the petitioners. Though the petitioners have tried to give some information in support of their case that there were posts available, it is necessary to point out that we are concerned with the posts created on cost recovery basis and not other posts. Hence reversion of the petitioners when the posts for which they were selected and appointed ceased to exist, had to be resorted to. Thus there is no good ground to interfere with the order of reversion.

3. It was next contended by Shri E.X. Joseph, learned counsel for the petitioners that in the selection held in the year 1987, petitioners' cases were not considered.

It is necessary to state at this stage that the stand

9

taken by the respondents is that for the purpose of regular recruitment, a D.P.C. met on 15.4.1986 and all the petitioners were not found fit for ^{appointment to} the cadre of Inspector on regular basis. The respondents have further taken the stand that they were, however, found fit for being appointed to the post of Deputy Office Superintendent Level-II. All the three petitioners who were selected and offered appointment as Deputy Office Superintendent Level-II declined to accept the said post. It is in this background that when the D.P.C. met for making selection on 19.5.1987, their cases were not considered on the ground that they stood debarred for promotion for one year as per the order of the department of Personnel & Administrative reforms dated 1.10.1981, Annexure R-III produced along with the reply to the stay application. The counsel for the petitioners pointed out that subsequently petitioners cases were also directed to be considered in pursuance of which they were promoted in due course to the cadre of Inspectors. Hence grievance of the petitioners in this behalf does not survive. But so far as the question of seniority is concerned which the petitioners claim from the date of their original appointment on ad hoc basis, they are not entitled to claim for the reasons already stated above and particularly having regard to our upholding the reversion of the petitioners with effect from 12.5.1987 and for the reason that they were not selected by following the procedure prescribed

for filling up the posts on regular basis. Hence
this petition fails. No costs.

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER (A)

V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN

sk
230992.