IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. OA 805 1987
T.A. No.

DATE OF DECISION July 3,1987.

Shri Gopal Singh, Petitioner

Shri Satish Seth, Advocate for the Petitioner(s)

Versus

Union of India & others Respondent s

Shri P.P.Khurana, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice K.Madhava Reddy, Chairman.

The Hon'ble Mr. Kaushal Kumar, Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. Whether to be circulated to other Benches? No

(Kaushal Kumar)
Member
3.7.1987.

(K.Madhava Reddy)
Chairman
3.7.1987.

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

REGN. NO.OA 805/1987. July 3,1987.

Shri Gopal Singh .... Applicant.

Versus

Union of India & others ... Respondents.

CORAM:

Hon'ble Mr.Justice K.Madhava Reddy, Chairman.

Hon'ble Mr. Kaushal Kumar, Member.

For the applicant ... Shri Satish Seth, Advocate.
For the respondents ... Shri P.P.Khurana, Advocate.

(Judgment of the Bench delivered by Hon'ble Mr.Justice K.Madhava Reddy, Chairman).

This application was posted today for hearing as regards the interim relief. After hearing the counsel for both the parties, we think it unnecessary to await the filing of a formal counter. From the record placed by the applicant himself, it is clear that by order dated Ist August,1986 (A-1), he was reverted to his substantive post of Telegraph Assistant and he was posted as Cashier in C.T.O., New Delhi, temporarily till further orders.

2. Pursuant to the orders of this Court, he has deposited a sum of Rs.3,000/- as Cash Security and is continuing to discharge the duties of a Cashier. It is his grievance that he has

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not been paid the Cashier allowance for the last 10 months although he has been discharging the duties of Cashier. We, therefore, direct that in accordance with the standing instructions, he shall be paid the Cashier allowance for the period he has worked as Cashier and until he is relieved of that post.

3. So far the applicant's contention that the respondents acted illegally in reverting him from the post of Cashier without giving him an opportunity to show cause is concerned, we do not find any substance. It is stated in order dated 1.8.1986 that "Shri Shoban Singh,Telegraph Assistant, then working against the allowanced post of Cashier in C.T.O., New Delhi was reverted to his substantive post of Telegraph Assistant and was transferred to D.T.O. Prasad Nagar, New Delhi". In the resultant vacancy, the applicant was posted as Cashier. The post of Cashier has to be filled in by a person selected by the D.P.C. The applicant was not selected by the D.P.C. and when he was appointed to the post of Cashier on 1.8.1986, he was posted as Cashier in C.T.O. New Delhi temporarily. By working for 10 months, he does not acquire any right to hold the post of Cashier. It is stated by the respondents that in the meanwhile the D.P.C. has selected one Shri Satish Kumar Sharma and he is appointed to take over the charge of the

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post of Cashier but he is unable to take over as Cashier on account of the interim direction of this Court. The applicant claims that he too should have been considered and appointed as Cashier and the appointment of Shri Sharma is not valid. That question does not form the subject matter of this application. We are only concerned with whether the applicant had acquired any right to hold the post of Cashier and whether he was entitled to the Cashier allowance for the period in which he has worked as Cashier. In view of the facts stated above, we hold that the applicant had not acquired a right to hold the post of the Cashier on account of his posting as Cashier under order dated 1.8.1986. He is, however, certainly entitled to Cashier allowance for the period he has worked as Cashier.

4. So far as the question of selection and promotion to the post of Cashier is concerned, that question is left open. If the applicant chooses to question the same, he is at liberty to file a separate application. Nothing said herein is intended to affect the merits of his contention in that behalf. In the result, this application is partly allowed. There shall be a direction to the respondents to pay the applicant the cashier allowance for the period he has worked as Cashier but in other respects, this application is dismissed with no order as to costs. The cash security of

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Rs.3,000/- deposited by him shall be returned to him on the day he is relieved of the post of the Cashier. This allowance shall be paid to the applicant within a period of two months from today.

(Kaushal Kumar)
Member.
3.7.1987.

(K.Madhava Reddy)
Chairman.
3.7.1987.