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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

D.A. 1130/87.

DATE OF DECISION: 18.1.1993

S.K. Shukla.

... 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.

... Shri S.S. Tiwari,
Counsel.

For the Respondents.

... Shri M.L. Verma,
Counsel.

JUDGEMENT (ORAL)

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

The respondents had closed the Northern Region office of the Press Information Bureau w.e.f. 30.4.1987. Consequent upon the closure of the said office, the post of Head Clerk held by the petitioner was also abolished. The petitioner was given an option either to be placed in the surplus cell or to be reverted as a Clerk in the Press Information Bureau of the Northern Region. On the ground that the petitioner did not exercise his option within the specific time, a memo was issued on 16.7.1987 as per Annexure 'C' to the effect that the action is being taken to revert the petitioner as a Clerk in the Press Information Bureau of the Northern Region, he having not exercised the option to be sent to the surplus cell. The petitioner rushed to the Tribunal by this Original Application filed on 10.8.1987 and obtained an interim order. On the strength of the interim order, the petitioner continued in service.

2. In the reply filed by the respondents, they took the stand that the petitioner is not being reverted. In support of this contention, they placed the order made by the Additional Principal Information Officer dated 13.8.1987. The said order says that it

has been decided to declare the petitioner as surplus with effect from 1.8.87 and to place him at the disposal of Central Surplus Cell of the Department of Personnel and Training. It is stated that his services shall stand terminated on the expiry of six months from the date from which he has been declared surplus, if he is not redeployed in the meanwhile. Be that as it may, the petitioner has continued in service without his status or emoluments being affected for nearly five years now. In the reply filed by the respondents, it is stated that they are not reverting the petitioner. It is also clear/in view of the stay granted by us of the order dated 13.8.1987 during the pendency of these proceedings, no further steps could be taken treating the petitioner as surplus. The petitioner having thus continued in service for nearly five years, there being no immediate threat of his being displaced or reverted, it appears to us unnecessary to examine the grievance of the petitioner in this case. As we are informed that the petitioner has only about two years left to serve, we do expect and hope that the respondents would make honest endeavour to accommodate the petitioner in service so that his continuance in service which has been protected by the interim order of the Tribunal is not unduly jeopardised. It would not, in our opinion, be difficult to accommodate the petitioner even if he is declared surplus. If, however, any threat of his reversion hereafter, we reserve liberty to the petitioner to move the Tribunal at the appropriate time. Reserving this liberty, we dispose of this petition having regard to the fact that there is no immediate threat/reversion, it is unnecessary to adjudicate the rights which have been pressed into service. No costs.

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

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