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CENTRAL ADMINISTRATIVE TRIBUNAL/PRINCIPAL BENCH.

New Delhi.

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Registration C.A. No.1187 of 1987

Asha Ram Applicant.

Versus

Union of India
and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Ms. Usha Bhave, Member (A)

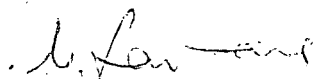
(by Hon.Mr. Justice U.C. Srivastava, V.C.)

The applicant was appointed as Lab. assistant since 20.4.1978 in Government Boys Senior Secondary School, Madipur New Delhi. According to him he was made quasi-permanent on the said post w.e.f. 20.4.1981. The applicant was selected as a clerk in the Punjab National Bank after he applied for the said post through his departmental channels to the Banking Service Recruitment Board. However, before joining Punjab National Bank he was made to resign his post as Lab. Assistant which he did and his resignation was accepted w.e.f. 8.11.1985. On 5.10.1986 the applicant wrote to his previous employer for reverting back to his original post as Lab. Assistant asserting his lien on the said post which was and is still in existence. After protracted correspondence the ^{of} Deputy Director/Education finally rejected the applicant's request, that is why he has approached to this Tribunal praying that ^{it} ~~he~~ may be declared that he has lien on the post of Lab. Assistant held by him prior to his joining the post in the Bank and the orders dated 17.10.1986, 11.11.1986 and 19.4.1987 rejecting the applicant's request for reversion to his original post may be quashed and the applicant may be allowed to revert back to his original post of Lab. Assistant with all consequential benefits including seniority from the

date of his appointment in the said post i.e. from 20.4.1978, According to the applicant he was entitled to lien on the post of Lab. Assistant in terms of Fundamental Rule-13 read with Government of India, Ministry of Home affairs O.M. No. 60/37/63-Ests(A) dated 14.7.1967,


2. The respondents have refuted the claim of the applicant and have pointed out that ^{he has} ~~no~~ lien because he does not show his intention for reverting back to administration, and there is no mention of the same in office order dated 8.11.1985 that he can revert back within a period of 2 years. As the applicant was a quasi permanent employee and he has simply tendered his resignation which was accepted, as such, we cannot say that his lien subsists and he is entitled to go back in the department and his representations have correctly been rejected.

3. Accordingly, we do not find any ground for interference, as such, the application is hereby dismissed. No order as to the Costs.


Member(A)

Dated: 23.12.1992

(n.u.)


Vice-Chairman