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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 1613/90

New Delhi, 19 September, 1994.

THE HON'BLE MR. S. R. ADIGE, MEMBER (A)
THE HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Ved Prakash S/O Chetan Dass,
R/O D-769 Chawla Colony,
Ballabgarh,
Distt. Faridabad (Haryana)

... Applicant

By Advocate Shri Vijay Mehta

Versus

1. Union of India through
Secretary, Ministry of
Urban Development,
Nirman Bhawan,
New Delhi.
2. The Manager,
Govt. of India Press,
Faridabad.
3. Shri Pradeep Kumar, L.D.C.,
Govt. of India Press,
Faridabad.
4. Shri Mani Ram, U.D.C.,
Govt. of India Press,
Faridabad.

By Advocates Shri M. L. Verma for Resp. 1 & 2
and Shri D. R. Gupta for Resp. 3 & 4

O R D E R

Shri S. R. Adige, Member (A) —

In this application Shri Ved Prakash, UDC, Govt. of India Press, Faridabad has impugned the order dated 26.7.1990 (Annex.-A) reverting him to the post of LDC.

2. From the materials on record it appears that the applicant was appointed as an LDC w.e.f. 6.11.1970. According to the recruitment rules as they stood prior to their being repealed vide notification dated 7.6.1984 (Annex. R-I to the rejoinder), all the posts

of UDCs were to be filled by promotion from the category of LDCs, 2/3rd of which were to be filled on the basis of seniority subject to rejection of the unfit and 1/3rd by competitive test amongst those LDCs with three years' continuous service in the grade.

3. In December, 1977, a competitive written test was held, in which the applicant participated and was declared successful. Nearly ten years later, by circular dated 23.9.1987, the applicant was promoted as UDC on ad hoc basis w.e.f. 21.8.1987 and was subsequently regularised from that date with effect from the date of the memorandum dated 14.10.1987 (Annex.-F). This memorandum stated that the applicant was being kept on probation for two years but that portion of the order was subsequently deleted vide corrigendum dated 6.10.1989 (Annex.-G).

4. Meanwhile, the recruitment rules for the post of UDC had themselves been repealed vide notification dated 7.6.1984 referred to above, by which the promotion quota was raised to 87.1/2% and the competitive written test was limited to 12.1/2%. The departmental competitive test was held on 28.9.1987, in which respondent No.3 was the only candidate to be declared successful. Upon a representation filed by respondent No.3, respondents 1 and 2 directed that the applicant be reverted to the post of LDC w.e.f. 26.7.1990 by the impugned order (Annex.-A). Against that order, the applicant came to the Tribunal and obtained an interim order on 24.3.1990 restraining the respondents from reverting him. Meanwhile,

respondents 3 and 4 who had also been promoted as UDCs also moved this Tribunal, stating that in case the impugned order of reversion was stayed, it would affect their service prospects because in that event they may have to be reverted to accommodate the applicant. Accordingly, on 7.9.1990, the Tribunal directed that the status quo as regards the continuance of respondents 3 and 4 in the post of UDC be maintained. During hearing, we were informed that the applicant as well as the respondents 3 and 4 are continuing against the posts of UDCs till today.

5. Meanwhile, during hearing we were further informed by the applicant's counsel that since the time those interim orders were passed, persons upto sl. No. 39 in the seniority list have been promoted as UDCs, while the applicant's position in that list is at sl. No. 34.

6. The relief principally prayed for by the applicant was to set aside the order of reversion and to allow him to continue as UDC. This relief ^{in effect} has been granted by virtue of the interim order on the strength of which the applicant continues as UDC even till today, and as mentioned above, even on the basis of his position in the seniority list he is eligible to be promoted as UDC. That being the position, we do not think it necessary at this stage to go into the merits of the case. Shri D. R. Gupta, counsel for respondents 3 and 4, urged that the inter se seniority of the applicant vis-a-vis

respondents 3 and 4 should be settled in this O.A. We do not think it necessary or proper to do so, because that is not the issue before us, nor indeed is that one of the reliefs prayed for by the applicant. If respondents 3 and 4 have any grievance in regard to their seniority vis-a-vis the applicant, it is open to them to work out their rights in accordance with law. Under the circumstances, without going into the merits of this case, this O.A. is disposed of by making ^{the m} interim orders passed earlier, absolute. No costs.

Lakshmi Swaminathan
(Mrs. Lakshmi Swaminathan)
Member (J)

M. Adige
(S. R. Adige)
Member (A)

/as/