

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 2158/1990

Date of decision: 27.04.1993

Shri Bivash Adhikary

... Applicant

Versus

Union of India & Others

... Respondents

For the Applicant

.. Shri P. Chakravorty, Counsel

For the Respondents

... Shri D.N. Gobardhan, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. S.R. ADIGE, ADMINISTRATIVE MEMBER

1. To be referred to the Reporters or not?

JUDGMENT (ORAL)
(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhaon, Vice-Chairman(J))

The petitioner was employed initially as a bearer. For a short term he was asked to perform the job of a clerk on purely ad hoc basis. During that period, he was paid the emoluments paid to a clerk. He was placed under suspension on 23.02.1991. The order of suspension was revoked on 10.08.1991 and petitioner joined his duty on 21.09.1991.

2. In main, there are two grievances in this application. The first is that the petitioner should not have been reverted from the post of clerk and he should be continued to work as a clerk. Secondly, he has not been paid the emoluments paid to a clerk on



the footing that he was under suspension from 23.02.1991 to 21.09.1991.

3. So far as the first grievance is concerned, we are satisfied that the petitioner acquired no right whatsoever when he was given an appointment on ad hoc basis as a clerk. The respondents have every right to revert him from the post of clerk. However, we direct the respondents to consider the case of the petitioner, if and when they propose to appoint anyone as a clerk. The respondents shall also take into account the fact that the petitioner had worked as a clerk for a short time, ~~and that~~ they shall consider his case sympathetically and in accordance with law.

4. So far as the second grievance is concerned, the learned counsel for the respondents have urged that the petitioner has been paid the emoluments during the relevant period when he was under suspension. They have also pointed out that, in fact, in this application the petitioner has not made out any grievance for non-payment. Be that as it may, the petitioner, if not already paid the emoluments during the period 23.02.1991 to 21.09.1991, ~~the respondents are directed to pay him now.~~

5. With these directions this petition is disposed of finally but without any order as to costs.

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(S.R. ADIGE)
MEMBER (A)

27.04.1993

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(S.K. DHAON)
VICE CHAIRMAN
27.04.1993