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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

New Delhi, this the 1st day of December, 1994.

O.A. No.2253/1990.

CORAM :-

HON'BLE SHRI JUSTICE S.C. MATHUR, CHAIRMAN.
HON'BLE SHRI P.T. THIRUVENGADAM, MEMBER (A)

S. Balasundaram,
BD-822, Sarojini Nagar,
New Delhi. Applicant.

(None for the applicant)

Versus

1. Union of India,
through the Secretary,
Government of India,
Department of Culture,
Shastri Bhawan,
New Delhi.

2. The Director General,
National Archives of India,
Janpath,
New Delhi.

Respondents

(By Shri M.M.Sudan, Counsel)

O R D E R

Shri Justice S.C.Mathur -

The applicant has filed this application challenging the order dated 9.8.1989 passed by the Director of Archives, Government of India, reverting him from the post of Personal Assistant to the Director to the post of Sealer without affecting the scale of pay in which he was drawing salary and sanctioning him the revised pay scale of Rs.1400-2600.

2. The facts which are either admitted or undisputed or established from the record are these:-

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The applicant joined the Department as Lower Division Clerk in the year 1955. His services were regularised in the year 1958. On 14.2.1977, he was appointed Transcriber on temporary basis. Thereafter he was promoted to the post of Personal Assistant to the Director of Archives by order dated 21.4.1983. While the applicant was working on the post of Personal Assistant to the Director, the Staff Inspection Unit of the Ministry of Finance submitted report in August, 1989 regarding abolition of certain posts and creation and upgradation of certain posts. As a result of this recommendation, 85 posts in the Department of Culture were abolished including the post of Personal Assistant to the Director. The post of Personal Assistant to the Director at that time was a Group 'C' post. While abolishing this Group 'C' post, Group 'B' (gazetted) post of Personal Assistant to the Director was created in the pay scale of Rs.2000-3500. In pursuance of Government of India's order dated 3.8.1989, abolishing posts and creating new posts, the Director of Archives, Government of India passed the impugned order.

3. On the above facts, the plea of the applicant is that by the Government of India order dated 3.8.1989 to which reference has been made in the impugned order, the post of Personal Assistant to the Director which the applicant was holding, stood upgraded and the applicant deserved to be adjusted against this post instead of being reverted to the lower post of Stenographer. According to the applicant the action of the respondents is wholly arbitrary and

illegal.

4. The applicant's plea is contested on behalf of the respondents whose learned counsel has submitted that after the abolition of Group 'C' post, a new Group 'B' post was created in a different time scale and the applicant could neither claim automatic appointment to this post nor continuance with higher pay scale. It was also submitted that the applicant has not suffered any prejudice as even after reversion, he continues to draw salary in the same pay scale in which he was drawing salary prior to his reversion.

5. We find substance in the submission of the learned counsel for the respondents. Copy of the Government of India order dated 3.8.1989 is on record as annexure to the respondents' reply. This order contains sanction of the president to the creation of posts mentioned in the order. One of the posts created by this order is that of Personal Assistant to the Director of Archives in the pay scale of Rs.2000-3500. From this, it is apparent that the post of Personal Assistant to the Director was not upgraded but a new post in a new time scale was created. The applicant could not claim automatic appointment to this post. The applicant at the most could claim protection of the pay scale in which he was working. That protection has been afforded to him inasmuch as he has been posted as Stenographer in the same time scale giving him the benefit of revised scale of pay. There is nothing arbitrary or illegal in the passing of the impugned order by the

respondents. In fact, once a post is abolished, the administration has the right to terminate the services of even a permanent employee on giving him the required notice. In the present case, this extreme consequence has not followed and the applicant has been continued with protection of his previous scale of pay.

6. The case was taken up in the revised call. No one had appeared on behalf of the applicant. On behalf of the respondents Shri M.M.Sudan appeared. We heard him and perused the record with his assistance in order to decide the case on merits.

7. In view of the above, the application lacks merit and is hereby dismissed but without any order as to costs. Interim order, if any, operating shall stand discharged.

P. J. De
(P.T. THIRUVENGADAM)
MEMBER (A)

S. C. MATHUR
Chairman

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