

(V)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI

OA 2362 of 1990

Date of decision 18th January, 1991.

Shri Ganga Dhar

....

Applicant

VERSUS

Union of India

Respondents.

For the applicant

- Mr. J.K.Bali, Advocate

For the respondents

- Mr. P.S.Mahendru, Advocate.

CORAM: Hon'ble Mr. B.S.Sekhon, Vice Chairman.
Hon'ble Mr. P.C.Jain, Administrative Member.

B.S.SEKHON:

The factual matrix germane to the adjudication of the instant Application lies within a short compass. Applicant, who was working as Senior Clerk in the Computerisation of Passenger Reservation in Delhi Area Section on ad hoc basis was promoted to the post of Head Clerk Grade Rs.1400-2300 vide order dated 16th February, 1987(Annexure A-9). As is borne out from Annexure A-9, the aforesaid promotion of the applicant as also ^{of} one Shri Ganga Dhar was purely on ad hoc basis in local arrangements and for a period of two months i.e. with effect from 1st Feb.1987 to 31st March, 1987. Annexure A-9 further reveals that the two posts of Head Clerks alongwith certain other posts had been created as temporary work-charged posts for two months. It was also stipulated in the order that such promotions will not confer any right for regular promotion and seniority. The aforesaid ad hoc promotion on local arrangements, admittedly, continued till the order of reversion of the applicant dated 25-10-90(Annexure A-1) came into force. This order reads:-

"Shri Ganga Dhar, Head Clerk Grade Rs.1400-2300(RSP) on temporary adhoc basis is reverted as Sr.Clerk Grade Rs.1200-2040 w.e.f. 1-11-90. His pay may be charged @ Rs.

1350/- + PP 30 and other allowances.

This has the approval of Dy.C.P.M./Tele.

2. Applicant has assailed the aforesaid order, inter-alia, on the grounds that his work and conduct were extremely satisfactory; the post against which he was working continues to exist and his reversion is tantamount to punishment and the same is legally unsustainable.

3. Defence of the respondents as disclosed in the counter is that two posts of Head Clerks were created on the Project of "Computerisation of Reservation in Delhi Area" on ad hoc basis to share the higher work-load. Applicant alongwith Shri Naresh Kumar was promoted to the said post; the promotion was temporary on ad hoc basis under local arrangements; since more than 95% of the project work had been completed, the work-load decreased on the said project as a consequence of which, one post of Head Clerk was dis-continued. It has been further stated that the applicant being the junior person was rightly reverted. The respondents have controverted the grounds pleaded by the applicant as also the assertion that the post of Head Clerk against which the applicant was working continues to exist.

4. We have given our earnest consideration to the arguments addressed at the Bar and have also carefully considered the pleadings and the documents on record.

5. During the course of arguments, the learned counsel for the applicant submitted, in the first instance, that there is no justification whatsoever for surrendering the post in question and that the work of computerisation still requires these two posts.

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The question of justification or otherwise of continuance of certain posts is appropriately to be considered and decided by the competent authority. It is certainly not within the province of the Tribunal to say much less give a finding on the justification or otherwise of surrendering of a particular post.

6. It was next submitted by the learned counsel for the applicant that at the time the impugned order was made, the post was in existence. The learned counsel sought to draw sustenance for this contention from the order dated 19th July, 1990 (Annexure R-1). By virtue of Annexure R-1 sanction for extension of two temporary work-charged posts had been accorded by the Dy. C.P.M./Tele for a period of five months with effect from 1st July, 1990 to 30th November, 1990. Vide paragraphs 4.6 and 4.7, it has been averred in unequivocal terms that one post of Head Clerk was dis-continued for the reason that more than 95% of the project work had been completed and that the currency of the post of Head Clerk against which the applicant had been working does not exist. The applicant has not controverted the aforesaid averments in the corresponding paras of the rejoinder. Thus we are unable ~~(S)~~ to return a finding that two temporary work-charged posts of Head Clerks were in existence with effect from 1st November, 1990. The order of reversion of an employee who was working on a higher temporary workcharged post on purely ad hoc basis and in local arrangements, in the event of dis-continuance/abolition of the post cannot be faulted with. There is no legal principle requiring issuance of a show cause notice as contended by the learned counsel for the applicant to such an official.

7. In view of the foregoing, there is little merit in the instant Application. Consequently the same ~~is~~ ~~has~~ hereby rejected. In the circumstances, we make no order as to costs.

(S.C. 18/1/91)
(P.C. JAIN)
AM

B. S. Sekhon
(B.S. SEKHON)
VC

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