

Central Administrative Tribunal
Principal Bench, New Delhi

OA No.354/90

New Delhi: March 9, 1995.

Hon'ble Mr Justice B.C. Saksena, Vice Chairman (J)
Hon'ble Mr S.R. Adige, Member (A)

Mahajan Singh
K-312, Sewa Nagar
New Delhi

...Applicant

(By Advocate: Shri B.B. Vasisth)

Versus

The Secretary (Administration)
Ministry of External Affairs
South Block, New Delhi

...Respondents

(By Advocate: Shri C. Hari Shankar)
Proxy for Shri Madhav Parikh

JUDGEMENT (oral)

Hon'ble Mr Justice B.C. Saksena, Vice Chairman

We heard learned counsels of the parties.

The applicant's case is that he was appointed initially as a peon in the Ministry of External Affairs, and he was ordered to be promoted as Record-Keeper w.e.f. 11.1.1980. The stand of the respondents, on the other hand, is that the petitioner was asked indicate his consent for his promotion as Record-Keeper and the consent was given by the applicant on 23rd October 1980. Thereafter, by order dated 23rd October 1980, he was promoted to officiate as Record-Keeper in the absence of Shri Madan Lal. On the basis of this letter (Annexure-A & para 4 of the OA), the applicant wrongly seeks to make the allegation that he was appointed as Record-Keeper w.e.f. 11.1.1980. This averment is not borne out from Annexure-A. Thus, we have no reason to doubt that the promotion of the applicant as Record-Keeper was made w.e.f. 23.10.1980 and not 11.1.1980 as claimed by him.

2. The learned counsel for the applicant then submitted that the applicant's appointment as Record-Keeper was for a period of 3 years and he was given to understand that he would be reverted after 3 years, but despite several representations, there has been no response and no order for the applicant's reversion was passed. The learned counsel for the applicant submitted that had the request of the applicant to revert him to the post of peon been considered right in time, then the applicant would have superannuated only on attaining the age of 60 years which is the age of superannuation for peons. The learned counsel for the applicant was unable to indicate any statutory provision which enjoined upon the respondents to pass an order for reversion of the applicant.

3. Under the circumstances, we are of the opinion that the plea that the applicant should have been reverted is wholly unsustainable and legally untenable.

4. The learned counsel for the respondents submitted certain official records before us, which have also been shown to the counsel for the applicant and on the basis of what transpired from the perusal of the record, this OA is dismissed. No costs.

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

B.C.S.
(B.C. Saksena)
Vice Chairman

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