

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.492/91

DATE OF DECISION 3-6-93

Smt.Maithily Jagannathan Applicant

V/s

U.O.I. & Others Respondents

FOR THE APPLICANT IN PERSON

FOR THE RESPONDENTS Sh.K.C.Mittal,counsel

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Hon'ble Sh.N.V .Krishnan, Vice Chairman(A)
Hon'ble Sh.B.S.Hegde, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement? ✓
4. Whether it needs to be circulated to other Benches of the Tribunal? ✓

ORDER (ORAL)

(Delivered by Sh.N.V.Krishnan, V.C.(A))

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Applicant has/MP No.829/93 which is for disposal.

The prayer made therein is to stay the circular issued on 02-12-92(annexed to the MP) inviting applications for the post of Director Farm Information, pending the disposal of this OA. We have heard the applicant and the learned counsel for the respondents.

2. To appreciate the prayer made in the M.P., we have heard the parties on the grievance which has given rise to the O.A.

3. It is stated as follows in the OA under the heading "Subject in brief"

" Denial of promotion to the applicant through issue of the impugned order of appointment of a retired employee as Consultant against the post lying vacant for which the applicant is due and fit for promotion and which was ably held by her between 1985 and 1987 for 1½ years"

4. When the matter was heard today, the applicant submitted that she is no more aggrieved by annexure LA order dated 12-2-91 and Annexure -I(B) order dated 8-10-1990. Annexure I(A) is the order engaging Dr.C.S.S.Rao as a consultant. Though this order is challenged, the applicant has not impleaded Dr.C.S.S.Rao who is the retired employee employed as a consultant. ~~by~~ The order Annexure I(B) is the scheme formulated by the Department of Personnel for regulating the engagement of consultants. In view of the applicant's submissions today, the prayers in para 8(1) to quash the orders at Annexure I(A) and at Annexure I(B) do not survive. Therefore, the consequential prayer in para 8(3) for staying the appointment of Dr.C.S.S.Rao also does not survive.

5. The grievance of the applicant really is that she was reverted by the Annexure III(2) order dated 24-3-87 to the post of Joint Director(Farm Information), Directorate of Extension, instead of being continued on the higher post of Director, Farm Information which she had already held for sometime. She has, therefore, prayed in para 8.2. for a direction to the respondents to

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restore the applicant to the post of Director which she had occupied in 1985-87 and in para 8.4 she seeks consequential reliefs regarding arrears of pay etc.

6. A perusal of the record shows that the applicant was sanctioned 'officiating promotion' as Director by the Annexure -II.C order dated 29-7-85 until further orders. She was then reverted by the order dated 24-3-87 (Annexure -III 2) which reads as follows:-

Consequent on the reversion of Dr.C.S.S.Rao, to the post of Director(Farm Information) Directorate of Extension after expiry of his deputation period in the post of Joint Commissioner(Extn.) in the Department of Agriculture and Cooperation w.e.f. the forenoon of 17th March, 1987, the following officers shall also stand reverted to their permanent posts from the same date as indicated against each.

S.No.	Name of the officer and the post held on officiating promotion basis.	Name of the post which the officer stands reverted w.e.f. 17.3.87(F.N)
1.	Mrs.M.Jaganathan(Director F.I) Director of Extn., <u>New Delhi</u> .	Joint Director(Farm Information)Directorate of Extension.
2.	Miss Shukla Hazra,Jt.Director (Farm Information)Directorate of Extension, <u>New Delhi</u> .	Editor(English)

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7. It is thus seen that the reversion of the applicant to the post of Joint Director is the result of the return of Dr.C.S.S.Rao, the permanent incumbent, from deputation. Further, the applicant was also holding the post of Director only on an officiating basis, which did not give any right of permanency to her, for the obvious reason that Dr.C.S.S.Rao had a lien on it. In the circumstances, the reversion is not by way of any punishment and is fully justified on administrative grounds. We also note that the applicant has not impugned the Annexure.III. 2 order of reversion. Therefore, the prayer at para 8.2. of the O.A. has no force and hence the consequential prayer in para 8.4. is untenable. For this reason, the OA itself is liable to be dismissed.

8. The learned counsel for the respondents added that the respondents are still in the process of selecting a candidate for appointment as Director on a regular basis. In the meanwhile, the applicant has been appointed to hold current charge of the post. He further states that the primary method of prescribed for recruitment is by promotion. The candidature of the applicant as well as other officials were considered

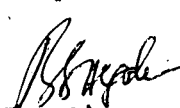
by the D.P.C. but none of them was not found

suitable. Respondents therefore, have to go by second method for taking people by way of transfer/deputation. this

It is in context that the letter dated 8-12-91 referred in the MP was issued.

9. In the circumstances, we find that the issue raised in the MP 829/93 does not arise out of the present O.A. as the two matters are totally unconnected. Secondly, as the OA itself is being dismissed, the MP can't survive. Hence the MP is dismissed, preserving the liberty of the applicant to challenge the proceedings initiated by the letter dated 8-12-91 enclosed to the MP, in separate proceedings, if so advised.

10. In so far as original application is concerned, for the reasons mentioned above, we find that the prayers at 8(1) and 8(3) do not survive for adjudication and the other prayers have no merit. The OA is, therefore, dismissed.


(B.S. HEGDE)
MEMBER(J)


3.6.93
(N.V. KRISHNAN)
VICE CHAIRMAN(A)