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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.C.P. 29/93 in
O.A. 2582/92

DECIDED ON : 27.1.1993

Gautam Chand

... Petitioner

Vs.

Secretary, Ministry of
Agriculture & AGR.

... Respondents

CORAM : THE HON'BLE MR. P. C. JAIN, MEMBER (A)

THE HON'BLE MR. J. P. SHARMA, MEMBER (J)

petitioner through Shri O. P. Khokha, Counsel.

ORDER (ORAL)

Hon'ble Shri P. C. Jain, Member (A) :

We have perused the petition and also heard the learned counsel for the petitioner. Shri Khokha contends that the interim order passed on 15.10.1992 and on 3.12.1992 directed the respondents to continue the petitioner as Milk Distribution Officer on ad-hoc basis. This contention of the learned counsel for the petitioner is not substantiated by the orders referred to above and copies of which have been annexed with this petition. The order passed on 1.10.1992 directed that the status quo as regards continuance of the applicant as Milk Distribution Officer on ad-hoc basis be maintained. In other words, it is directed that if the petitioner was working as Milk Distribution Officer on ad-hoc basis on 1.10.1992, that status was to be maintained. However, as the petitioner had already been reverted from that post in September, 1992, the status as on 1.10.1992 was not that as working on the post of Milk Distribution Officer. Subsequent order dated 15.10.1992 stated that "The question whether the applicant will be entitled to hold the post of Milk Distribution Officer will be considered after the respondents have filed their C.R.

counter-affidavits and the pleadings are complete. The interim order already passed will continue till then with the aforesaid observations." This is clear from the above order that the claim of the petitioner to hold the post of Milk Distribution Officer was to be considered after the counter affidavit had been filed; it was not his claim of continuing as a Milk Distribution Officer on ad-hoc basis w.e.f. 1.10.1992 which was to be considered after the counter affidavit had been filed. The order passed on 3.12.1992 only directed that the interim order passed on 1.10.1992 and 15.10.1992 will continue till 9.3.1993. A perusal of the above orders, therefore, does not show that any direction was given to the respondents to reinstate the applicant as a Milk Distribution Officer w.e.f. 1.10.1992 if on that date he was not working as such. Thus, this C.C.P. is without merit and is accordingly dismissed.

Sharma
(J. P. Sharma)
Member (J)

(P.C.Jain)
(P. C. Jain)
Member (A)