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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

O.A./W.A. No. 52 of 1992

Decided on: 4. 2. 92

Shri Rajinder Kumar Sharma ....Applicant(s)

(By Shri G.D. Bhandari Advocate)

Versus

U.O.I. & Another ....Respondent(s)

(By Shri None Advocate)

CORAM:

THE HON'BLE SHRI JUSTICE B.C. SAKSENA, ACTING CHAIRMAN  
THE HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

1. Whether to be referred to the Reporter or not? 921
2. Whether to be circulated to the other Benches of the Tribunal?

(K. MUTHUKUMAR)  
MEMBER (A)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA. No.52 of 1992

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New Delhi this the 4<sup>th</sup> day of February, 1997

HON'BLE MR JUSTICE B.C. SAKSENA, ACTING CHAIRMAN  
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

Shri Rajinder Kumar Sharma  
S/o Shri Om Prakash Sharma,  
R/o B-6/Double Storey,  
Central Jail Staff Quarters,  
Tihar,  
New Delhi.

...Applicant

By Advocate Shri G.D. Bhandari

Versus

1. Inspector General of Prisons,  
Central Jail, Tihar,  
New Delhi.
2. Lt. Governor,  
Union Territory of Delhi,  
Raj Bhavan,  
Delhi.

...Respondents

None for the respondents.

ORDER

Hon'ble Mr. K. Muthukumar, Member (A)

The applicant is aggrieved by the order of the respondents dated 18.12.1991, Annexure A-1, placing his services at the disposal of Superintendent, Jail No.1 as a Warder. The applicant was a Warder in the Central Jail Tihar, New Delhi, but was deployed as a Despatch Rider by the order dated 8th August, 1988, Annexure A-2. As stated in the aforesaid order, this arrangement was for short periods in the absence of regular Staff

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Car Drivers/Despatch Riders and that the applicant was entitled to draw Honorarium at the prescribed rates approved by the Government of India & Delhi Administration. Accordingly, the applicant started performing duties as Staff Car Driver. The applicant contends that by the order dated 8th August, 1988, Annexure A-2, he was actually promoted as Staff Car Driver and by the order issued, it was declared that he was "appointed" from 25.2.1988 as a Staff Car Driver. He also contends that it was not a short or local arrangement and he was practically holding this post since that date. He, therefore, contends that he was entitled to the regular grade of Rs.950-1500 all along although the respondents had paid him in the lower grade of Rs.825-1200. The applicant alleges that on his return from Medical Leave, the respondents have reverted him to the post of Warder in order to show favours to some other persons and he was reverted without any proper proceedings and he was awarded the penalty of reversion.

2. The respondents in their reply have clearly denied the averments made in the application. They have submitted that the official was never given appointment as Staff Car Driver on a regular basis nor was his pay ever fixed in the higher grade. The deployment of the applicant as Staff Car Driver was only an ad hoc arrangement and

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this was made clear in the order itself. He had no justifiable right on the said post. He was paid only Honorarium at the rates prescribed in this behalf and his posting as a Despatch Rider cannot be taken as promotion. In the absence of regular arrangement, the deployment was only made for a short period and he was entitled to be paid only Honorarium as per the order dated 8th August, 1988. The applicant has not acquired any right by such short term arrangement and his deployment as a Despatch Rider was made on account of administrative exigencies and his subsequent posting as Jail Warder in the substantive post, is not a reversion. They have strongly denied any mala fide action in this behalf. In view of this, the respondents maintain that it was only change of duty through normal transfer among the staff and does not give any right of regular appointment to the applicant to the post of Staff Car Driver.

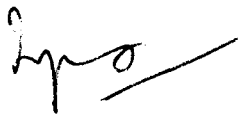
3. We have heard the learned counsel for the parties and have carefully perused the records.


4. It is clear from the Annexure A-2 that the respondents have placed the applicant along with certain others for short period in the absence of regular Staff Car Driver/Despatch Rider. It is also seen from the aforesaid order that the applicant was entitled to draw Honorarium at the prescribed rates. There is no indication of his having been regularly appointed to the post of

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Staff Car Driver after being selected by any duly constituted DPC. The applicant has also not shown how and when and by which order he has been promoted to the higher post of Staff Car Driver. The mere fact that in the order it is mentioned that the applicant alongwith others "have been appointed" as Staff Car Drivers, does not confer any right to the said appointment. It is not possible to infer that merely by the usage of the word "appointed" in the aforesaid order, it can be construed that he was duly promoted to the said post of Despatch Rider nor can it be inferred that he has acquired any vested right in the said post. The respondents have again placed the services of the applicant as a Warder by the impugned order. We do not find anything irregular or illegal in the impugned order.

5. In the light of this, we find that the application is misconceived and is accordingly rejected. There shall be no order as to costs.

  
(K. MUTHUKUMAR)  
MEMBER (A)

  
(B.C. SAKSENA)  
ACTING CHAIRMAN

'Rakesh'