

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 1381 of 1993

New Delhi, dated this the ^{13th} December, 1999

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. KULDIP SINGH, MEMBER (J)

Shri Sohan Lal Sehgal,
S/o Shri Harbans Lal,
R/o 291, DDA (Janata) Flats,
Nand Nagri,
Delhi.

.... Applicant

(Applicant in person)

Versus

1. Union of India through
the Secretary,
Ministry of Industry,
Udyog Bhawan,
New Delhi-110011.
 2. Secretary (Technical Development) &
Director General (Technical Development),
Directorate General of Technical Development,
Udyog Bhawan,
New Delhi-110011. Respondents
- (By Advocate: Shri V.S.R. Krishna)

ORDER

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant impugns respondents' order dated 22.6.92 (Annexure A) rejecting his representation against his reversion from the post of Statistical Assistant to that of computer-cum-typist and seeks a direction to promote him as Statistical/Research Assistant Grade II w.e.f. the date he was holding the said post when he was placed under deemed suspension with consequential benefits.

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2. Applicant who joined respondents' organisation as L.D.C. on 1.4.67, and was appointed to the post of Computer-cum-Typist w.e.f. 21.2.73, was promoted as Research Assistant Grade II on ad hoc basis w.e.f. 13.3.85, which was later redesignated as Statistical Assistant. Applicant was arrested on certain criminal charges on 18.1.89 and was subsequently released on bail on 27.1.89. As he had remained under detention for more than 48 hours, by order dated 21.2.89 (Annexure D) he was deemed to have been suspended w.e.f. 18.1.89 but that suspension order was revoked by respondents' order dated 24.6.91 and by further order dated 16.7.91 it was ordered that regularisation of the period from 18.1.89 to 2.2.89 when applicant was under detention, would be considered on the outcome of the criminal proceedings pending against him, while the period from 3.2.89 till the date of revocation of suspension would be treated as duty with pay and allowances admissible, but would be subject to review on the outcome of the Court proceedings.

3. Meanwhile by order dated 29.3.89 (Ann. C) he was reverted from the post of Research Assistant Grade II to that of Computer-cum-Typist w.e.f. 1.3.89 while he was under suspension.

4. Applicant states that he should not have been reverted to his substantive post of Computer-Cum-Typist by order dated 29.3.89 while he was under suspension.

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5. Respondents in their reply state that applicant was not reverted because he had been placed under suspension, but because the term of his adhoc promotion as Statistical Assistant had expired on 28.2.89. Since he was placed under suspension he was not eligible to be considered for appointment again on adhoc basis to the post of Statistical Assistant until his reinstatement and conclusion of disciplinary proceedings, if any. They state that applicant was reinstated on 24.6.91 to the post of Computer-cum-Typist which he was entitled to hold on regular basis, pending conclusion of the criminal proceedings pending against him. He was not eligible for promotion to the next higher grade even on adhoc basis as disciplinary proceedings were pending against him when he was reinstated, and it is stated that the court proceedings are still pending against him. It has also been stated that the number of posts of Statistical Assistant was reduced from 6 to 2, which is also a reason why applicant had to be reverted.

6. Applicant has filed rejoinder after considerable delay. In that rejoinder he has denied respondents' contention that there were no vacancies of Statistical Assistants when he was reverted and contends that there were four vacancies of Statistical Assistants available at that point of time. He has also placed reliance on GOI's instruction No. 4(ii) below Rule 11 CCS(CCA) Rules.

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Ad

7. We have heard applicant who argued his case in person and Shri VSR Krishna for respondents. We have considered the matter carefully.

8. Applicant was promoted as Research Assistant Gr.II on purely adhoc basis and he has not denied in his rejoinder that the term of that adhoc promotion expired on 28.2.89. Meanwhile he was arrested on 18.1.89 and was deemed to have been placed under suspension wef 18.1.89. That suspension order was eventually revoked only on 24.6.91. As the tenure of applicant's adhoc promotion as RA Gr.II had expired on 28.2.89, we see no legal infirmity in respondents' action in not extending the period of that adhoc promotion beyond 28.2.89 when applicant was under suspension and permitting him to rejoin duty (upon revocation of his suspension) only on his substantive post of Computer-cum-typist which he had an enforceable legal right to hold, and not on the post of Research Assistant Gr.II which he had no enforceable legal right to hold, having been promoted to that post only on adhoc basis, and that too only till 28.2.89.

9. In the particular facts and circumstances of this case, GOI's instruction No.4(ii) below Rule 11 CCS (CCA) Rules relied upon by applicant does not advance his claims and the OA is dismissed. No costs.

Kuldeep Singh
(KULDEEP SINGH)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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