

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

3

Regn.No. OA 674/1993

Date of decision: 29.07.1993

Shri Madhukar Sahadeo Kuhikar

...Petitioner

Versus

Union of India & Others

...Respondents

For the Petitioner

...Shri Sant Lal, Counsel

For the Respondents

...Ms. Veena Kalra, proxy counsel
for Shri P.P. Khurana, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAN, VICE CHAIRMAN
THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. To be referred to the Reporters or not?

JUDGMENT (ORAL)
(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhan, Vice-Chairman)

By order dated 7.3.1992 passed by the Assistant Chief Superintendent, 4 persons including the petitioner were promoted to officiate as Assistants (TTS Group 'C') purely on temporary and ad hoc basis due to deputation of 4 Assistants for training in Pre-FDT/FDT for 6 weeks commencing from 09.03.92. It was made clear in the order of appointment that the promotion will not confer any right on the official for regular appointment, absorption in the next higher rank and ^{the period} will not be counted for the purpose of seniority as TTS Group 'B'. It was also made clear that the official can be reverted any time without assigning any reason. By the communication dated 5.8.1992 by the Assistant Chief Superintendent (G-II), it was notified that in pursuance of the orders contained in the Director Telegraph Service letter dated 3.8.92, the petitioner and one Shri L.P. Koted who were working as Assistants on temporary

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basis have been reverted to their substantive post. This order is being impugned in the present application.

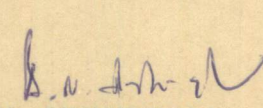
2. The order of appointment confer^{red} no right upon the petitioner.

It was a purely ad hoc arrangement and, therefore, under the law he ^{could} ~~can~~ be reverted to the substantive post. That position is not challenged in this petition. However, it is contended that the petitioner is a Scheduled Tribe and 3 posts are reserved for STs only and the respondents should have appointed the petitioner in one of those posts.

3. In the counter-affidavit filed, the stand taken is that one of the posts have to be given to Shri J.R. Meena who succeeded before this Tribunal in an OA preferred by him. It is also stated that the remaining two posts had to be de-reserved. We are refraining from entering into this controversy in view of the order we are about to pass.

4. So far as this petition is concerned, the petitioner cannot get any relief. We have already indicated that we find no fault in the impugned order. The respondents shall examine the grievance of the petitioner that the two alleged posts of STs should be filled up and while doing so, the case of the petitioner should be considered on merits and in accordance with law along with other competitors, if any.

5. With these observations, this application is disposed of finally but without any order as to costs.


(B.N. DHOUNDIYAL)
MEMBER (A)
29.07.1993


(S.K. DHAON)
VICE CHAIRMAN
29.07.1993

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