

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.917/93

Date of decision: 29.04.93.

Shri Jagmohan Bhandari

...Petitioner

Versus

Union of India through its
Secretary, Ministry of Defence,
New Delhi & Others

...Respondents

Coram:- The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. J.P. Sharma, Member (J)

For the petitioner

Shri S.C. Juneja, Counsel.

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra, Member (A))

The grievance of the petitioner is that he has been reverted from the post of Cashier to his substantive post by the respondents vide order dated 22.12.1992 (page 44 of the paperbook). The respondents had issued a notice for appointment of Cashiers on 6.1.1992. The said notice indicated that some posts of Cashiers in the AFHQ and Inter Services Organisation are proposed to be filled up by Clerks. On such appointment the selected Clerks would be paid in addition to the pay of the grade certain cash allowance. It was further provided that the normal tenure was for a period of three years subject to extension or curtailment, if deemed necessary on administrative grounds. The petitioner applied for the post and vide page 50 of the paperbook was placed on the list, containing the names of the individuals approved for appointment to the posts of Cashier. The petitioner herein appears at serial No.1 of the said list. He was appointed as Cashier vide letter dated 20.4.1992 subject to the following terms and conditions:-



i) The appointment will initially be for a period of three months which is extendable based on periodical assessments.

ii) The appointment can be terminated at any time without notice and without assigning any reason.

iii) He will be required to deposit the requisite security in cash or in any other recognised form of security deposit and execute the necessary bond as prescribed under the rules in consultation with CAO/Coord. They have to complete these formalities before actually taking over the appointment as Cashier Category 'A'.

At page 54 of the paperbook there is a letter of 7.7.92 addressed by the petitioner to the Senior Administrative Officer of JS(AD) and CAO, Ministry of Defence to the following effect:-

"1. Due to Eye-sight problem, I am facing certain problems to continue as Cashier.

2. I, therefore, request that my services may please be utilised in the Section.

3. The arrangements may also please be made to appoint some one from the section as Cashier vice me.

4. Inconvenience caused to you in this regard is regretted please."

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2. The impugned order, according to which the petitioner is said to have been reverted from the post of Cashier is at page 44 of the paperbook, as adverted to earlier. The relevant part of the said order reads:-

"2. The competent authority has agreed to the reversion of Shri J M Bhandari, Cashier, CAO/A-6(P) from the post of cashier with immediate effect. He may therefore, be relieved of his duties from the post of cashier and directed to report to GS/SD 1, his new place of postings as ordered vide this office note No.A/40318/P&T/Asstt/CAO(P-1) dated 22.12.92.

3. Shri Ramphal, Cashier, CAO/A-7(Pay) is hereby transferred to CAO/A-6(Pay) as cashier with immediate effect vice Shri J M Bhandari, Asstt who has been reverted from the post of cashier."

3. This order has been issued with reference to Deputy CAO's note dated 30.11.1992. The services of the petitioner have further been placed in the G.S. Branch as Assistant in accordance with the order dated 22.12.1992 (page 45 of the paperbook).

4. A perusal of the papers as referred to above indicates that first the post of the Cashier is not in the normal line of promotion for the Clerk. Secondly the Clerks selected for the post of Cashier are only given a cash allowance. It is, therefore, not a promotional post as such. Thirdly it appears from the

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papers filed by the petitioner himself that he has been reverted to his substantive post in accordance with the written request made by him. The post of Cashier is neither in the line of normal promotion nor does it constitute a promotion. By the impugned order the petitioner has been reverted to his substantive post. There is no legal right to continue him as Cashier either in accordance with the rules or with the terms and conditions of his appointment. Further he has been reverted as per his own request. The contention raised that the petitioner asked for reversion under duress, is not convincing. Accordingly the O.A. lacks merit and is accordingly dismissed at the admission stage itself.

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5. For the other reliefs which are not connected with the above, the petitioner is not precluded from pursuing the same in accordance with law.

J. P. Sharma

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(J.P. SHARMA)
MEMBER (J)

I. K. Rasgotra
(I. K. RASGOTRA)
MEMBER (A)

San.