

194-361

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 30TH DAY OF JUNE, 2003

Original Application No.1404 of 1997

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.D.R.TEWARI, MEMBER(A)

M.L.Jain, aged about 60 years  
Son of Shri K.M.Jain, resident  
of 17, Defence Estate, Bundu  
Katra, Agra.

... Applicant

Versus

1. Union of India, through  
Secretary, Ministry of Defence  
New Delhi.
2. Director General, Electrical  
and Mechanical Engineering  
Army Headquarters, DHQ, PO  
New Delhi.
3. Commandant, 509 Army Base  
Wksp, Agra.
4. OIC, EME Records, Secunderabad

(By Adv: Shri Amit Sthalekar)

... Respondents

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has challenged the order dated 31.1.1994(Annexure 1) by which applicant has been reverted from the post of Senior Chargeman to the post of Instrument Mechanic(Electrical).

The facts of the case are that applicant was at the relevant time serving as Senior Chargeman, apprehending that from this post applicant may be retired at the age of 58 years, he made a representation to the authorities to revert him so that he may serve upto the age of 60 years. The last reminder was given on 15.9.1994(Annexure CA-3). In para 2 whereof he is specifically prayed as under:-

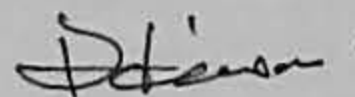
1494 361  
13  
:: 2 ::


"Pending above decision, I may please be considered to be reverted to IMe so that paper formalities could be completed so as not to retire me in the cadre of SCM."

In pursuance of his own request impugned order dated 31.1.1994 was passed. The grievance of the applicant is that applicant should have been reverted to the post of Master Craftsman.

The learned counsel for the respondents has placed before us document dated 21.9.1982 which is a circular of Government of India, Ministry of Defence. In para 2(iii) it is provided that the post of Master Craftsman will be a post personal to the holders of the posts and will lapse with the retirement/wasting out of the individuals. Thus the post of Master Craftsman held by the applicant was personal and from the moment he was promoted to the post of Senior Chargman, <sup>it lapped</sup> the applicant could not legally claim reversion as the post ~~which~~ became non existent. In the circumstances, the claim of the applicant is not justified. He was rightly reverted by the impugned order to the post of IMe(Electrical) as opted by him.

The application has <sup>no</sup> merit and is accordingly dismissed. No order as to costs.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated: 30th June, 2003

Uv/