

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 365 of 1998

Allahabad this the 23rd day of May, 2001

Hon'ble Mr.S. Dayal, Member (A)
Hon'ble Mr.S.K.I. Naqvi, Member (J)

Sri Bal Karan Ram S/o Late Ganga Deen Ram, Senior Sub Divisional Engineer, At present Officiating on the post of Senior Superintendent, Telegraph Traffic, in the Office of General Manager, Telecom, District Allahabad.

Applicant

By Advocates Shri Satish Dwivedi,
Shri A.K. Dave

Versus

1. Union of India through the Secretary, Ministry of Communication, Government of India, New Delhi.
2. The Dy. Director General(Personnel), Department of Telecommunications, Sanchar Bhawan, 20 Ashoka Road, New Delhi-1.
3. The Assistant Director General(S.G.T.), Department of Telecommunications, Sanchar Bhawan, 20, Ashok Road, New Delhi-1.
4. The Chief General Manager Telecom, Eastern U.P. Circle, Lucknow.
5. The Assistant General Manager(Admn.) Department of Telecommunications, Allahabad.
6. Shri H.N. Maurya, SDE(TTS Group B) Posted under the D.M.T. Allahabad.

Respondents

By Advocate Shri Amit Sthalekar

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O R D E R (Oral)

By Hon'ble Mr. S. Dayal, Member (A)

This application has been filed for setting aside the orders dated 27.03.98 and 30.03.98 passed under the orders of C.G.M.T., Lucknow, reverting the applicant from the post of S.S.T.T. (T.T.S. Group A) in the pay scale of Rs.10,000 to Rs.15,200/- to the post of Senior S.D.E. (Pay Scale Rs.8,000 to Rs.13,500). Further direction sought to the respondents to give temporary ad hoc promotion to him to the post of T.T.S. Group A without fixing any time limit in a manner similar to the ad hoc appointment of junior persons and it is prayed that the applicant be allowed to continue as T.T.S. (Group A) till the junior persons are allowed to hold such post on adhoc basis.

2. The case of the applicant is that he was promoted to T.T.S. Group 'A' on ad hoc basis by order dated 03.3.97. The promotion of the applicant was stated to be for 180 days or till availability of the regular incumbent or attaining the age of superannuation, whichever is earlier. However, the applicant continued to work on the post of S.S.T.T. till another order dated 02.1.1998 was passed for promotion of the applicant to T.T.S. Group 'A' on adhoc, temporary and in officiating capacity for a period not exceeding than 180 days. Thus, the applicant appears to have continue to work ^{till order dated} this reversion 27.03.98.

The applicant has challenged this order in the O.A.

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3. We have heard S/Shri Satish Dwivedi and A.K. Dave for the applicant and Shri Amit Sthalekar for the respondents.

4. Learned counsel for the applicant have contended that since the applicant had worked for more than an year, he should not have been reverted on account of initiation of disciplinary proceedings against him in accordance with ~~departmental~~ instructions of Department of Personnel and Training O.M.No. 11012/9/86-Est.(A) dated 24.12.1986. Learned counsel for the applicant has also contended that the charge-sheet issued on 03.4.1998 was after the continuance of the applicant on the post for more than one year.

5. Learned counsel for the respondents has drawn our attention to the memorandum of allegations against the applicant and has mentioned that there were serious charges against the applicant relating to his integrity. He has also contended that a decision was taken to proceed against the applicant departmentally before 03.4.1998 when the charge-sheet was issued and that on account of issuance of charge-sheet, the ad hoc appointment of the applicant made by the order dated 02.1.1998, was terminated by the order dated 27.3.1998.

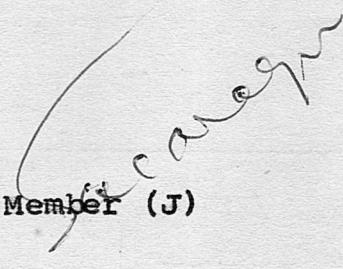
6. Learned counsel for the applicant has drawn attention to the promotion orders of his juniors passed by the respondents on 10.9.1997 and 06.1.1998 respectively in which the orders of promotion were given without

any time limit. However, we find that these orders were made by the Ministry of Communications, while the order of promotion of the applicant had been made locally by the C.G.M.T. who had the authority to make promotion for a period of 180 days. Learned counsel for the applicant has also drawn attention to the order dated 30.3.1998 by which the applicant has been replaced by another person, promoted on temporary and ad hoc basis.

7. We find that the impugned order dated 27.3.98 was passed in violation of Instruction of Department of Personnel and Training given in O.M.No.11012/9/86-Est(A) dated 24.12.1986. These orders require continuance of ad hoc appointees if they have worked for more than one year. The applicant fulfils this criteria. Hence directions are given to the respondents as contained in the next paragraph.

8. The applicant shall be restored to his position of S.S.T.T. in T.T.S. Group 'A' on ad hoc basis. He shall be granted notional fixation of pay for the period ~~and not worked~~. The applicant shall be restored to the post within a period of 3 months from the date of communication of this order.

9. The O.A. stands disposed of accordingly. No cost.


Member (J)


Member (A)

|M.M. |