

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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T.A. No. 478 of 1986
(O.S. No. 212 of 1984)

Chaturi Ram Plaintiff-
Applicant.

Versus

Union of India
and another Respondents.

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Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was reverted from the post of Shunting Jamadar to the post of Shuntman. The applicant filed a civil suit in the court of Munsif Hawali. During the pendency of the suit, the applicant was reverted and that is why, he amended the application. The applicant's case was that without issuing any show cause notice he could not have been reverted back to the said post and thus his reversion was legally bad and was a malafide order in as much as his juniors were allowed to stay as shunting @ jamadars and the applicant was singled out for the said purpose. The respondents have opposed the claim of the applicant and pointed out that the applicant was ^{not} regularly promoted as Shunting Jamadar and he worked as Shunting Jamadar between 6.10.1972 to 1.11.1975 purely on adhoc measure. He was reverted to accommodate the senior eligible staff and the reversion was perfectly legal. His promotion was also for administrative convenience on adhoc basis. He had to be reverted as all ad-hoc arrangements were ordered to be discontinued in the category of Shunting Jamadar.

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The applicant after working 18 months had acquired temporary ~~status~~ status but the respondents have stated that 18 months rule will not be applicable in the ^{not} case of the applicant because his reversion was due to inefficiency or indiscipline. As the senior persons were waiting for their turns and they were promoted, the necessary consequence was that the junior who was appointed to work on adhoc basis on the higher post had to go back.

2. Accordingly the reversion order can not be said to be legally bad and no case for malafide is also made out. Accordingly, this application is dismissed with the above terms. No order as to the costs.

R. Polunji
Member (A)

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Vice-Chairman

Dated : 16.10.1992
(n.u.)