

25.12.1979. But in the meantime, by the impugned order he was reverted by the impugned order without assigning any reason and in the subsequent order, he was told that unless he was ~~not~~ selected, the question of his confirmation and promotion does not arise.

2. The respondents have admitted that the applicant was reverted from the post of Head Draftsman on the ground that he did not pass the selection test of the Draftsman. As a matter of fact, Admittedly, when the applicant was promoted as Draftsman till the year 1981 no selection took place and if the selection did not take place, the applicant was not responsible for it and the respondents can not take benefit of their own lapses and laches. For 9 years the applicant was allowed to work, therefore, the applicant could have been confirmed outright as draftsman without undergoing any process or he could have been regularised on the said post when he was not reverted as Draftsman and was allowed to continue till 9 years and the reversion order in these circumstances can not be allowed to stand.

2. Accordingly, order dated 28.11.1980 (Annexure- 11) cancelling the promotion of the applicant dated 26.12.1979 is quashed and as the applicant has already been retired from service, the applicant will be entitled to the consequential benefits of the service and the respondents will be determined the same within a period of 3 months from the date of communication of this order. No order as to costs.

Member (A)

Dated: 14.10.1992

(n.v.)

Vice-Chairman