

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALIAHABAD BENCH

.....

Registration T.A. No. 747 Of 1987

P.P. Srivastava ..... Petitioner

versus

Union of India and ors ... Respondents

Hon<sup>o</sup> D.K. Agrawal, J.M.

Hon<sup>o</sup> K. Obayya, A.M.

(By Hon<sup>o</sup> D.K. AGrawal, J.M. )

Writ petition No. 1167 of 1984, on transfer to the Tribunal, under section 29 of the Administrative Tribunals' Act, 1985, was registered as T.A. No. 747 of 1987.

2. The subject matter of this writ petition is the same which was <sup>convassed</sup> ~~confessed~~ before the Andhra Pradesh High Court, Hyderabad and Bombay Benches of the Tribunal in the matter <sup>of</sup> similarly situate person, namely, Shri S.N. Sharma, E.H. Usmani and Shri V.B. Gupta.

3. Briefly, the facts are that the petitioner working as Pharmasist Gr.I was selected for the post of Assistant Store Superintendent and placed at Sl.No. 6 vide panel drawn in the year, 1978. After his empanelment, he was appointed as Assistant Store Superintendent vide order dated 21-2-1979 and posted at Lucknow. At this very stage it may be mentioned that the post of Assistant Store Superintendent according to the recruitment <sup>rules</sup> is required to be filled ~~up~~ 100% by selection through a limited Departmental Competitive Examination from amongst the employees working in the office to which the vacancy relates to. Since the petitioner was working in

*Dr. Aggarwal*

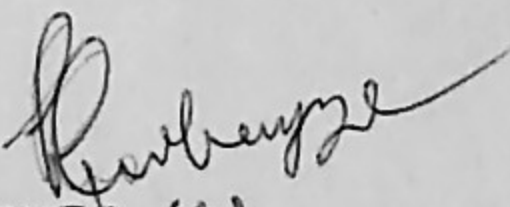
the office at Kanpur, he was shown at Lucknow as on deputation. However, the petitioner was reverted vide an order dated 13-2-1984 repeated on 11-3-86 and therefore, the present writ petition was filed in the High Court of Judicature at Allahabad (Lucknow Bench, Lucknow). Hon'ble Mr Justice K.Nath, as he then was, passed an order on 2-3-84 staying the operation of the order of reversion dated 13-2-84 which remains <sup>in</sup> enforce up to this date. Similarly situate persons namely, Sri S.N.Sharma, E.H. Ushmani and V.B. Gupta were also reverted like the petitioner. Shri S.N. Sharma challenged his reversion before Andhra Pradesh High Court vide writ petition No. 976/80. The said writ petition was allowed vide order dated 19-10-83. Shri S.N. Sharma had also an occasion to agitate the matter before the Hyderabad Bench of the Tribunal vide O.A. No. 68 of 1986, which was allowed vide order dated 26-11-87. Shri E.H. Ushmani challenged the action of the Department vide O.A.No. 119 of 1986 before the New Bombay Bench of the Tribunal which was decided against the Department on 24-10-1986. Shri V.B. Gupta's claim petition Numbered as 1479 of 1989 was decided on 11-1-90 by the Principal Bench of the Tribunal. The consistent view taken is to the effect that panel formed on 21-2-79 vide Annexure-5 to the writ petition would hold good and the candidates placed in the said panel are entitled to their seniority and regularisation according to the merit obtained by them as reflected in the panel. The subsequent orders of the Department reverting them or regularising them from a subsequent date is bad in law. Thus the present case is

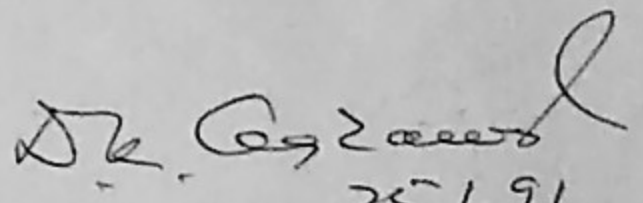
*Dr. Aggarwal*

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a covered case on the analogy of the judgments referred to above, we hereby hold as follows:

- (1) The petitioner is entitled to be regularised from the date of appointment i.e. 21-2-79 on the post of Assistant Store Superintendent in accordance with the merit list reflected in the panel.
- (2) The subsequent orders dated 13-2-84, 11-3-86 and 5-7-90 are hereby set aside.
- (3) The Department is directed to take steps to treat the petitioner as a regular incumbent on the post of Assistant Store Superintendent within a reasonable time hereby.
- (4) Parties shall bear their own costs.

  
MEMBER (A)

  
MEMBER (J) 25.1.91.

(sns)

January 25, 1991

Allahabad.