

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

T.A.No. 1346 of 1987

Sri J.N. Chaturvedi Applicant

Vs.

The Union of India and Ors. Opp. Parties.

Hon'ble Mr. Justice U.C. Srivastava-V.C.

Hon'ble Mr. K. Obayya, Member (A)

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

This transferred case under sec. 29 of the Administrative Tribunals Act 1985 which the applicant filed as writ petition before the High Court Allahabad was transferred to this tribunal.

2. The applicant was appointed as Clerk in the Post and Telegraph Department in the year 1944 and was promoted as Senior Section Supervisor in the Central Telegraph office at Kanpur on Adhoc basis alongwith two other officials who were junior to the applicant. The applicant was censured under Central Civil Services Classification control and Appeal Rules, for an Act of omission and commission on his part. His explanation was taken but it was not accepted. It appears that the D.P.C. did not find the applicant fit for the said post and one Babu Lal was selected for the said post. The applicant was reverted to the post of Cadre of S.S. Clerk and posted to K.P.T.T. Dn. against the existing post. The grievance of the applicant is that he has been promoted on adhoc basis and he was senior to Monohar Lal who was promoted also. The applicant could not have been reverted ~~merely because~~ ^{as} there was no ground for reverting him. And in case the applicant was not found fit by the departmental promotion Committee then it was the junior one who should have been reverted; and in the instant case one Manohar Lal was allowed to continue on the said post on adhoc basis, but the

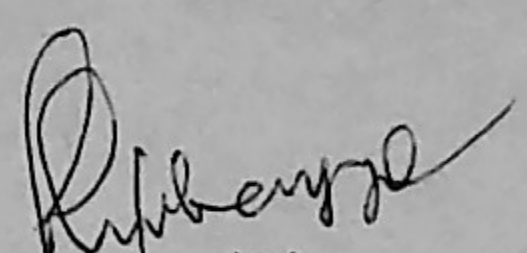
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applicant was not given opportunity. Both the parties are not in a position to state as to whether Manohar Lal's case was also considered by the Departmental Promotion Committee and if so, whether it was also rejected. In case Manohar Lal was also considered and rejected there was no justification for reverting the applicant as it was Manohar Lal who should have been reverted, but in case Manohar Lal case was not considered and applicant was considered as a result of which the applicant was reverted and one Babu Lal was appointed and Manohar Lal was allowed to continue to work on Adhoc basis, the applicant can have no grievance against the same. As such it is not possible to accept the case of the applicant in the manner it has been raised. However, in view of the averments and counter affidavit made by the parties and notwithstanding the fact that the applicant has retired from service, It is directed that in case Manohar Lal was also considered by Departmental Promotion Committee and he was not found fit, then applicant will also be allowed to continue in service on adhoc basis, till he attains the age of superannuation. With the result that he will get this benefit, but in case, the case of Manohar Lal was not considered by the D.P.C. and he was allowed to continue on adhoc basis on some such posts then applicant will not be allowed to any relief and his application shall be deemed to have been dismissed. Let departmental authority to decide the matter in view of the observations and directions made above. Let decision be given by the Departmental authority within three months from the date of the communication of the order. In case the decision goes in favour of the

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applicant, the applicant will be entitled to consequential benefits. No order as to the costs.


Member(A)


Vice-Chairman.

Dated 28th February, 1992.

(DPS)