

CENTRAL ADMINISTRATIVE TRIBUNAL ALIAHABAD BENCH
ALLAHABAD.

Allahabad this the 3rd day of June 1996.

Original Application no. 570 of 1988.

Hon'ble Dr. R.K. Saxena, Judicial Member
Hon'ble Mr. S. Dayal, Administrative Member.

R.D. Arya, S/o Late Shri Baij Nath, R/o 554/214-D, Bhimnagar
Alambagh, Lucknow.

... Applicant.

C/A Shri D.R. Chaudhary

Versus

1. Union of India through its Finance Secretary, Department of Economic Affairs, National Savings Organisation, New Delhi
2. National Savings Commissioner for India, 12, Seminary Hills, Nagpur (Maharashtra).
3. Regional Director, National Savings, Govt. of India, Halwasia Court, Lucknow.
4. Regional Director, National Savings, Govt. Of India, 116-C, Ashok Nagar, Allahabad.

... Respondents

C/R Shri N.B. Singh.

ORDER

Hon'ble Mr. S. Dayal, Member-A.

This is an application under section 19 of the Administrative Tribunal's Act, 1985.

2. The applicant seeks the relief of quashing of telegraphic message contained in the orders of the Regional Director, Lucknow/Allahabad, containing the direction to relieve the applicant from as Deputy Regional Director, National Saving

Bareilly and asking applicant to report at Allahabad as D.S.O.

3. The applicant has mentioned in his application that he was promoted belatedly on the post of Deputy Regional Director on 11.01.1988. He joined the post of Dy. Regional Director, National Saving, Bareilly Division on promotion. The applicant claimed that he always has a meritorious career. He was served an order dated 28.04.1988 by Regional Director, National Savings, Lucknow and another of the same date issued by Regional Director, Allahabad in reference to telegram said to have been received by him from National Saving Commissioner for India, Nagpur. This order is stated to be non speaking. Besides, the persons junior to the applicant are continuing on promotional posts while applicant has been transferred. It is also mentioned that this post of Dy. Regional Directors are vacant in U.P. State and the applicant could have been retained in any of these posts in U.P. The applicant claims that he would continue on this post in Bareilly as he succeeds the incumbents who have been retired in 1987.

4. None appeared for the applicant at the time of hearing. Km. Sadhana Srivastava standing counsel appeared on behalf of Shri N.B. Singh Senior Standing Counsel was heard.

5. The respondents in their counter reply has said that the applicant was given ad-hoc promotion to the post of Dy. Director vide order dated 28.12.87 and the applicant joined on this post on 11.01.88. Ad-hoc promotion continued upto 30.04.88. They have also stated in their counter reply that there were eight vacancies upto July 1987 which had to

be filled up by promotion, out of these two vacancies at no. 31 and 36 of the roster register were to be filled up by promotion of a SC and ST candidate. By oversight one more SC candidate was promoted by reverting a candidate belonging to General Category. The candidate Shri Bhagwat Prasad was aggrieved of his reversion, who, therefore, filed application no. 1195/87 before the Tribunal. The respondent on verifying position and record of the department found that the promotion of one extra SC candidate was by mistake. The mistake was rectified by re-promoting Shri Bhagwat Prasad to the post of Dy. Regional Director and reverting Shri R.D. Arya who had recently have been promoted on ad-hoc basis. The respondent have denied that any person junior to the applicant was continued in U.P. circle as Dy. Director. It is also mentioned that regular appointment against vacancies of Dy. Directors were subsequently finalised and ~~some officers~~ including the applicant were promoted as Dy. Regional Director from 07.07.88.

6. Annexure 5 to the OA is order of promotion dated 28.12.87 annexed to the application. It shows that the applicant was promoted on ad-hoc and purely temporary basis for the period of three months or till the post filled up on regular basis, which ever was earlier. The applicant was subsequently reverted to the post of D.S.O at Allahabad due to the cancellation of the reversion order of Shri Bhagwat Prasad as can be seen from annexure 2 to the O.A.

7. The above facts narrated in the counter reply have remained uncontested as applicant did not file any rejoinder, despite of several opportunities given to him. Counter reply was filed on 09.12.88 and opportunity was given on 09.12.88,

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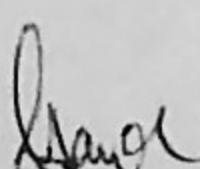
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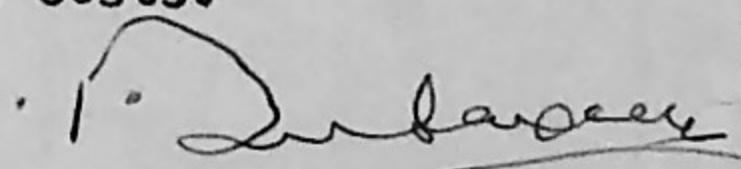
09.02.89, 07.04.89, 30.05.89, 25.07.89, 04.09.89, 13.10.89,
15.11.89, 20.12.89, 31.01.90, 28.02.90, 23.03.90, 03.05.90,
30.08.90, 30.10.90, 04.04.91, 19.01.94 and 02.02.96.

8. On the other hand annexure CA-2 shows that Shri Bhagwat Prasad was at Sl. No. 19 of list of District Saving Officer/Head Clerk National Saving on 01.04.88 and Shri R.D. Arya at Sl. No. 63 of the same list. The respondents have also filed a copy of order of National Savings Commission dated 26.04.88 (annexure CA 1) pertaining to bring ^{to} an end the ad-hoc arrangement made on the post of Dy. Regional Director/ National Saving at Bareilly made by order dated 28.12.87 and this order directed Shri R.D. Arya to hand over charge ^{take over} to Shri Bhagwat Prasad and proceed to D.S.O., Allahabad.

9. It is quite clear from the pleadings of this case that the applicant was promoted on ad-hoc basis, arrangement was brought to end by the respondents ~~base~~ ^{for} valid reasons. Therefore the application lacks merit and applicant is not entitled to any relief.

10. There shall be no order as to costs.


Member-A


Member-J

/pc/