

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 232 of 1992

Nagesh Kumar Dube

.... Applicant

Versus

Union of India and Others

.... Respondents

CORAM:

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

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

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

Even though notices have been issued earlier and an unauthorised person accepted the notice in this case posing himself to be the Clerk of Counsel for the Central Government that is why a fresh notice was issued to the respondents who have not put in appearance and as such the case is being disposed of finally. The applicant was working as an Extra Departmental Stamp Vendor at Jhansi station and vide order dated 1.3.84 he was asked to work as Class IV employee and worked upto 27.7.87. As the applicant was again reverted after some three years to the post of Extra Departmental Stamp Vendor w.e.f 28.7.87. The applicant preferred a representation against the said reversion order contending that while working upon a Class IV cadre post between 1.3.84 to 27.7.87 and was getting Rs.1000/- per month

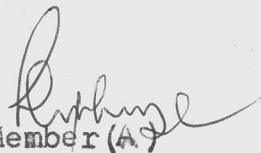
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as salary and upon his reversion he was paid Rs.400/- per month as salary. The representation filed by him was rejected and thereafter he has approached this Tribunal. The documents filed by the applicant indicates that the applicant was appointed as an officiating basis.

2. According to the learned counsel for the applicant, as the applicant has been worked for more than 3 years upon a class IV cadre post, the applicant had acquired the status of the quasi permanent employee. As the appointment of the applicant was not in accordance with the rules and he was initially appointed as a class IV employee he cannot claim benefit of quasi permanency as he was only a casual labour for the time being who was allowed to work as class IV employee and in these circumstances it cannot be said that the reversion order was impliedly bad and the reversion order which has been passed is not in accordance with the law. Accordingly this application deserves to be rejected. As the applicant has worked for three years, obviously he will get a preferential claim for appointment to the said post in preference to any new comer and there appears no reason that the respondents could not give priority to the applicant taking into consideration the fact that he has already worked for 3 years.


Member (A)


Vice Chairman

Dated: 4th November, 1992:
(Uv)