

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No: 751 of 1992

Kamarul Hasan Applicants.

Versus

Union of India & ors. Respondents.

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

Hon'ble Mr. K.Obayya, Member-A

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

1. The applicant was a regular Chaukidar in the Hand Block Printing Training Centre at Varanasi having been appointed in the year 1980 in the Printing Training centre, which was part of office of Development Commissioner Handicrafts. The post of Assistant Instructors were advertised on 10.2.1992 and applications of eligible persons were allowed. The applicant was also selected by the Selection Committee on 24.2.1992. He was also issued an appointment as Assistant Instructor in Hand Block Printing Training Centre at Balia. A similar order was also issued by the office of Development Commissioner. Some two months thereafter, vide its order dated 23.5.1992, the applicant received a reversion order dated 20.5.1992 reverting him to the post of Chaukidar and therefore, he has come before this Tribunal challenging the same on the ground that the reversion order was illegal and violative to the principles of natural justice without giving him any opportunity of hearing and further he could not have been reverted to the post of Chaukidar as he was a duly selected candidate

4

selected by the Selection Committee in pursuance of advertisement for this post. The respondents have refuted the contention of the applicant and have stated that the Hand Block Printing Training Centres run through the Department, have the status of plan scheme. The schemes are continued or discontinued as per the policy decision of Government of India. The staffing pattern is also under constant review. The applicant's document in which he has given the strength of the sanctioned staff which according to the respondents is not correct and can be changed every now and then and ~~xxxxxx~~ in a particular centre a post can be retained or it cannot be retained.

2. The applicant was aware of the fact that the continuity and discontinuity of the scheme is within the jurisdiction of the respondents and after having accepted these terms it was not open for him to challenge the reversion order. According to the respondents there were only 20 posts but 23 appointments were made and later on this mistake was discovered and that's why the reversion order was passed.


3. According to the applicant, the respondents have not stated the correct position. The applicant having been appointed by direct recruitment and not having been promoted to the post of instructor from chaukidar, he could not have been reverted to the earlier post, as the present is not a promotional post from the post of Chaukidar. In this connection the applicant has placed certain documents for the

W

perusal of the Tribunal and the first document is the letter dated 20.7.1990 by the Assistant Director Textile in which the sanctioned strength of Assistant Instructor has been shown as one in each centre. The Development Commissioner's order dated 23rd February 1990 is also placed in the record which was passed in pursuance of some judgement by the Central Administrative Tribunal, Allahabad which was also taken up before the Supreme Court, by which certain posts were created and sanction for the same was accorded, which indicates that for textile Training scheme 8 posts of Assistant Instructors were created. Vide Development Commissioner's order dated 8.5.1991 the sanction was accorded for continuation of the filling up of temporary group 'C' post in the CAC Head Quarters office which included 19 Hand Block Printing Training Centres, which indicates that in various training centres the total number of strength of Instructors were 25.

4. The learned counsel for the applicant contended that version of the respondents stated in the Counter Affidavit is not correct as 25 posts were sanctioned. The applicant was within 25 posts, as such the plea that 20 sanctioned post is not correct. In these circumstances, he could^{not} have been otherwise reverted. Respondents have not explained the correct position of staff/^{strength.} The posts were advertised and appointments were made. This matter was later on reviewed and the posts were curtailed and in case the posts were curtailed, it was against the sanctioned step and no one was to suffer. Obviously 4 appointments were made. The respondents could

have created ex-cadre posts for these persons and as and when the vacancy in the cadre existed they could have been provided the cadre post, but that was not resorted to. It is not a case of the respondents that the entire selection was cancelled but three more appointments were made in the office. In the case of direct appointment the person cannot normally/^{be} reverted to the said post below the one he is appointed. The applicants continued to hold the said post under the interim orders of the Tribunal. The respondents are directed to take into consideration the above position within a period of one month and create extra and necessary post for the applicant. In case, during this period more posts were created, obviously the applicant will be adjusted. The application stands disposed of finally with no order as to costs.


Member-A


Vice-Chairman

Allahabad Dated: 9.2.1993

(jw)