(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

O.A. No. 315 of 1986 ~~198~~
~~XXXXXXX~~. AND
OA NO.346 of 1986
AND
OA NO.407 of 1986

DATE OF DECISION 25/08/1987

Somabhai B & Ors.
Savashi Dhada & Ors.
Yusuf Alibhai & Ors. Petitioner

V. H. Desai Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

R. P. Bhatt Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P H Trivedi : Vice Chairman

The Hon'ble Mr. P. M. Joshi : Judicial Member

JUDGMENT

(10)

OA/315/86

OA/346/86 25-8-1987
AND
OA/407/86

Per : Hon'ble Mr. P.H. Trivedi : Vice Chairman.

The main facts and points for decision in these three cases being almost identical, we have deicded to deal with them in a common judgment.

2. The petitioners were working as cleaners in Class IV category and were promoted as Second Fire Man. They were reverted by an order dated 18-8-86 without assigning any reason. It is admitted that the post of Second Fireman is a promotion post. The respondents contend that the promotions were given on an ad hoc basis and reversions have been necessary and do not require any show cause notice for assigning any reason.

3. The sole question for decision is whether the promotions in this case were on an ad hoc basis or on a regular basis. The petitioners have produced the orders of promotion which do not state that the promotions are on ad hoc basis or of a temporary nature or are liable to be terminated without any notice or without assigning any reason. We have only a bare statement of the respondent in their affidavit in reply that the promotions were of ad hoc nature. It is a well established principle that except in ad hoc appointment on promotion, termination or reversion requires reasons to be assigned or notice to be given on the basis of which the petitioners are in a position to exhaust their remedy. In these cases we have merely the statement of respondents that the promotions were of ad hoc nature and not regular. There is no attempt on the part of the respondent to show that such promotions were ad hoc on the basis of any record or circumstance. We are, therefore, obliged to go by the language used in the appointment or promotion orders. This language does not support the interpretation that the appointments are either ad hoc or of a short

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duration and can be terminated without any notice or assigning of any reason. In OA 313 of 1986 we have held that even in the case of reversion orders, in which original promotions were on ad hoc basis and even when the appointees do not have the claim to the promotions, the orders of reversion should follow the order of seniority or proper procedure for giving effect to such reversions should be worked out to determine the persons who are surplus and that there should be admitted seniority list which should be followed in this regard.

4. We, therefore, have to conclude that the reversion orders impugned by the petitioners cannot be upheld. The petition succeeds and the impugned orders are quashed and set aside.

Parties to bear their own costs.

Sd/-
(P.H. TRIVEDI)
VICE CHAIRMAN.

Sd/-
(P.M. JOSHI)
JUDICIAL MEMBER

(8)

OA/407/86

Coram : Hon'ble Mr. P.H. Trivedi : Vice Chairman

Hon'ble Mr. P.M. Joshi : Judicial Member

12.8.1987

Heard Mr.V.H.Desai and Mr.M.R.Bhatt for Mr.R.P.Bhatt learned advocates for the applicant and the respondent respectively. Judgement deferred until 25th August, 1987.

(P.H.Trivedi)
Vice Chairman

(P.M.Joshi)
Judicial Member