

Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
12.	28.1.97	<p>Heard Shri Ashok Mohanty, learned Senior Standing Counsel for Respondents. No one is present for the applicant. In this petition, the prayer is to quash the order of reversion of the applicant reverting him to Lower Division Clerk rank by Annexure-5 and to quash the order of promotion of Shri S. Uram by Office Order dated June, 1991 to the rank of Upper Division Clerk against Scheduled Caste post roster point Annexure-6. Annexure-1 is admittedly an order in pursuance of the order of the Central Administrative Tribunal dated 19-04-1991 in O.A. NO. 386 of 1989. Therefore, Annexure-1 can not be challenged. With regard to Annexure-6, the back ground facts are that the applicant was initially promoted as UDC on Ad-hoc basis against a leave vacancy on 13-08-1979 in which post he continued upto February, 1986. Thereafter, he was reverted. <i>He did not challenge this reversion.</i> Again he was promoted to the post of Upper Division Clerk in the year 1983 since there was a vacancy in the UDC rank. There was a specific recruitment rule by which 50% of the posts of UDC was to be filled up on the basis of seniority-cum-fitness and 50% of the posts by Limited Departmental Competitive Examination. The post created in 1983 is relatable to the later category. For some reason or the other the Limited Departmental Competitive Examination could not be held and the applicant was promoted to the post of UDC on Ad-hoc basis. Subsequently, after the results of the UDC's Limited Departmental Competitive Examination were announced, the applicant was reverted to his substantive post of LDC on 31-07-1991 to yield his place to one Shri S. Uram who was regularly selected. It is admitted by Respondents that this post was reserved for SC candidate. But then as no SC candidate qualified in the Limited Departmental Competitive</p>	

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		<p data-bbox="377 356 1480 597">Examination, the vacancy has been filled up by promoting Shri S. Uram , a Scheduled Tribe. This resulted in carrying forward the vacancy to be filled up by SC candidate from the next examination.</p> <p data-bbox="377 645 1502 1155">We have carefully considered the submissions of the learned Senior Standing Counsel. We are of the view that there is no infirmity in reverting the applicant to his old substantive post and promoting a person who is selected in accordance with the Rules. The applicant can not claim as an Ad-hoc ^{Appointee} candidate any vested right in a substantive post de hors the Rules. Original Application is dismissed. No costs.</p> <div data-bbox="655 1189 1323 1439"><p data-bbox="821 1189 1323 1285"><i>Karasaiah</i> 28.1.97. MEMBER (ADMINISTRATIVE)</p><p data-bbox="837 1334 1135 1439"><i>B. S. Rao</i> MEMBER (JUDICIAL) 28.1.97.</p></div>	