

FINAL ORDER
23.2.1988

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

DA-280/87

P.Padmakumari

: Applicant

Vs :

1. Government of India represented by the Secretary to Govt. Information and Broadcasting Department, New Delhi.	:	
2. The Principal Information Officer, Press Information Bureau, Sastri Bhavan, Dr.Rajendraprasad Road New Delhi.	:	Respondents
3. The Deputy Principal Information Officer, Press Information Bureau, Sastri Bhavan, Madras-6.	:	
4. K.K.Thankamoni Babu, Clerk Grade II Press Information Bureau, Trivandrum-1.	:	
5. A.Selvaraj, Clerk Grade-I Press Information Bureau Sastri Bhavan, Madras-6.	:	
6. T.V.Bose, Clerk Grade-I, Press Information Bureau, Madurai.	:	

M/s P.Gopalakrishnan Nair & : Counsel for the Applicant
D.Somasundaram

Mr.P.V.M.Nambiar, SCGSC : Counsel for the Respondents
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CORAM

Hon'ble Shri S.P.Mukerji, Administrative Member

&

Hon'ble Shri G.Sreedharan Nair, Judicial Member
(Order pronounced by Shri G.Sreedharan Nair,
Judicial Member)

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ORDER

The applicant while working as Clerk Grade-II in the Office of the Press Information Bureau at Trivandrum was promoted on ad-hoc basis to the post of Clerk Grade-I on 1.11.1979, and was continuing in the post. While so by the order dated 29.1.1987, she was reverted to the post of Clerk Grade-II. She challenges the order of reversion. It is urged that as she was allowed to continue as Clerk Grade-I for a pretty long period, she should be treated as having duly been ~~done~~ promoted to the post on a regular basis.

order
The ~~copy~~ of reversion purported to be on the basis of a judgement of this Tribunal, but it is alleged by the applicant that the said judgement was in an application filed by the 5th respondent which was dismissed by the Tribunal. It is also pointed out that the applicant was not a party in that case.

There is also the plea that even if reversion had to be made the order is illegal as the 6th respondent who is junior to the applicant is being retained as Clerk Grade-I.

2. A reply has been filed on behalf of the respondent, wherein it is stated that based on the

judgement of this Tribunal in TA-171/85 regularisation of the posts in the office of the Press Information Bureau was done according to the roster point and pursuant to that the applicant was reverted along with two other persons holding the posts of Clerk Grade-I on ad-hoc basis.

3. It falls to be determined as to whether the order dated 29.1.1987 so far as it reverts the applicant to the post of Clerk Grade-II is sustainable.

4. Admittedly the applicant was promoted to the Cadre of Clerk Grade-I with effect from 1.11.1979, ~~as~~ she having been in service ~~as~~ Clerk Grade-II from 26.10-1968. Though the promotion is stated to be adhoc, it is important to note that during all these years the applicant was continuing ⁱⁿ the post. That she is qualified to hold the post is not in dispute. The impugned order of reversion is seen to have been passed as a consequence of promoting a few Clerks Grade-II on a regular basis. This is stated to be "in pursuance of the judgement by the Central Administrative Tribunal, Madras". The respondents have produced the copy of the judgement in TA-171/85. It was in an application filed by the 5th respondent, a Clerk Grade-II claiming promotion

to the post of Clerk Grade-I. The application was dismissed. In the course of discussion it was pointed out in the judgement that the promotion of the 4th respondent therein to the post of Clerk Grade-I was irregular as that vacancy should have been given to a Scheduled Caste candidate according to the roster point. There was no direction as such in the judgement for setting at naught the adhoc promotions which were made and which were allowed to continue for a pretty long period. So much so the authority relied upon in the impugned order for reverting the applicant is not sustainable. Be it noted that the applicant was not a party in TA-171/85, and the adhoc promotion that was granted to her was not in issue.

5. Even if the respondents wanted to follow up the post of Clerk Grade-I on a regular basis, taking into account the roster points -- there is absolutely no explanation for the remissness on the part of the respondents for not doing so during such a long period -- it cannot be done if it results in the reversion of the applicant to the lower post, without giving an opportunity to her to be heard by submitting her

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representation if any. Otherwise the action will be arbitrary and unfair.

6. It follows that the order dated 29.1.1987 in so far as it reverts the applicant to the post of Clerk Grade-II is to be quashed, and we do so. The applicant ~~shall~~ be deemed to have continued in the post of Clerk Grade-II and shall immediately be restored to that post. She shall be granted ~~all~~ consequential benefits.

7. The application is allowed as above.

S.P.
(S.P.Mukerji)
Admv. Member
23.2.1988

G.Sreedharan Nair
Judicial Member
23.2.1988

Index: Yes/~~No~~

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