

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

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Original Application No. 346 364 of 1990

Syed Ahmad Alvi Applicant

versus

A.G., U.P. Allahabad and another Respondents.

(2) O.A.No. 356/90

Ram Nath Misra Applicant

versus

Union of India & others Respondents.

Shri Budheshwar Sahai Counsel for Applicants  
Dr. Dinesh Chandra Counsel for Respondents.

Coram:

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon. Mr. K. Obayya, A.M. Member.

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

As the above two applications involve the common question of law and fact, both are being disposed together. The order dated 4.10.90 reverting the applicants, is subject matter of challenge in this case. The applicant/staffed his service as routine grade clerk in the office Sultanpur Division Sharda Canal Sultanpur which was coming under the irrigation department. In the year 1978 the Accountant General, U.P. demanded certain names for the post of Emergency Divisional Accountant and certain names were sent by


2. The respondents have opposed the claim of the applicant and have stated that the appointment was only as a temporary measure, in accordance with para 332 of the Manual of Standing Orders. It has been further stated that according to para 316 of Manual of Standing Orders (Admn.) Vol. I departmental candidates who have officiated as Emergency Divisional Accountants could be absorbed in the cadre of Divisional Accounts on their passing the Divisional Accountants Grade Examination wherein it was clearly indicated that 'such Emergency Divisional Accountants may not ordinarily be allowed more than three chances to sit for the Divisional Test but the Accountant General may allow in special case upto three additional chances in deserving cases.' but the additional chances can not be claimed as a matter of right. It has been stated that it was found that some of the Emergency Divisional Accounts do not appear in the Divisional Accountants Grade Examination deliberately and evade appearing in the same and therefore, a decision was taken and communicated from time to time to all the E.D.A.s including the applicant that from March, 87 Examination onwards a chance irrespective of the fact whether the candidates sits in the examination or not and after expiry of maximum available chances he shall be liable to be reverted to his parent department. The applicant did not make any representation. The applicant was eligible to appear in D.A. grade Examination held in

1982 onwards after he completed two years of officiation as E.D.A. The applicant got 16 chances from 1982 to 1989 to pass the D.A. Grade Examination. He appeared in the examinations held in 3/84 and 3/85 only but failed.

3. In view of the position stated above, the applicant availed all the chances and he failed, and he was reverted to his parent department. As a matter of fact the grievance of the applicant is against repatriation order. The department has framed certain rules in which certain number of chances to appear in the examination have been prescribed. The respondents were within their rights to repatriate the applicants to his parent department. This matter has engaged us previously also i.e. in O.A. No. 912 of 1990 and other connected matters and applications were dismissed holding that no right has accrued to the petitioners to hold the post of Emergency Divisional Accountants, as they failed in the examination of Divisional Accountants Grade Examination, an attempt to absorb them by the opposite parties. We have also taken the similar view. Accordingly, we do not find any merit or ground for interference and the application is accordingly dismissed. No. order as to costs.

4. Similarly O.A. No. 356/90 'Ran Math Misra' vs. Union of India' is also dismissed. No order as to costs.

  
Adm. Member.

  
Vice Chairman.

Shakeel/-

Lucknow: Dated: 23<sup>rd</sup> Feb 1993.