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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
Lucknow Circuit Bench

Registration O.A. No. 894 of 1987

Nand Kumar Applicant

Versus

G.M. Northern Railway, New Delhi
and Others Opposite Parties.

Hon Justice K.Nath, V.C.

Hon. D.S. Misra, A.M.

(By Hon. Justice K.Nath, V.C.)

This application under Section 19 of the Administrative Tribunals Act, 1985 seeks an order to quash the applicant's reversion order dated 28.8.87 contained in Annexure-I to the application and seeks a further direction to restrain the opposite parties from reverting the applicant to the lower grade till a regular incumbent is posted on the permanent vacancy of Supdt. Telephone Operator in Lucknow Division.

2. Affidavits have been exchanged and we have heard the learned counsel for the parties.

3. The applicant was working as a Chief Telephone Operator in the scale of Rs. 550-750 when one N.P. Srivastava who was working as Supdt. Telephone Operator proceeded on leave on 4.4.1986. During the leave period upto 30.4.1986 the applicant continued to

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under the Rules. He was contemplated to be allowed to work on the lower grade post of Rs. 550 - 750 on adhoc basis.

6. The learned counsel for the applicant points out that even the adhoc appointment on the post of Rs.550 - 750 has been regularised as set out in an order dated 10.5.88 annexed to the applicant's rejoinder affidavit dated 26.9.1988. The contention is that on account of regularization in the grade of Rs.550 - 750 the applicant cannot be said to hold a double adhoc promotion on the post of Supdt. Telephone Operator. Be that as it may, the provisions of this circular dated 17.8.78 clearly contemplate that the person who has been appointed on adhoc basis to the Headquarter controlled post of the Supdt. Telephone Operator is entitled to continue to hold that post till a regular incumbent is appointed and reports for duty. The learned counsel for the applicant says, and the learned counsel for the opposite parties has no ground or basis to ~~revert~~^{deny} that till now no regular incumbent to the post of Supdt. Telephone Operator has been appointed. In this view of the matter, we are of the opinion that the applicant is entitled to continue to hold the post of Supdt. Telephone Operator till such time as the opposite parties appoint a regular incumbent for that post and the appointed incumbent reports for duty. The application is allowed to the extent that the order of the applicant's ~~for~~ reversion contained in Annexure-I is

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quashed and the applicant will be allowed to continue to work on the post of Supdt. Telephone Operator till such time as a regular incumbent is appointed and reports for duty on that post. Parties will bear their own cost.



Member (A)



Vice Chairman

Dated the 1st May, 1989.

RKM