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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH.

Registration O.A. No. 66 of 1990 (L)

Surya Mani Applicant

Versus

Union of India
and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

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

This application is directed against the reversion order dated 16.12.1991 issued by the Telecom Divisional Engineer, Sitapur. The applicant was reverted from the post of Section Supervisor to his original post. The applicant was given officiating promotion to the post of Section Supervisor number of times from 13.4.1983 upto 15.5.1986 and thereafter his promotion continued upto 17.10.1987. On the transfer of the S.D.O. Telegraphs Sitapur to (T) Division, Lucknow, the applicant was promoted as Section Supervisor in the office of S.D.O. Telegraphs, Sitapur on adhoc and temporary basis with the condition that he was liable to be reverted to his substantive post at any time without assigning any reason if it is found that the official was not eligible for such promotion or on joining of the official against which his arrangement has been made. He joined the promotion post on 3.12.1986 and continued to work upto 17.10.1987. The applicant was posted at S.D.O. Telecom Office Lakhimpur as Section Supervisor where he joined

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and worked till 16.12.1987 and on which he proceeded on Earned Leave. It was during this period, the reversion order dated 16.12.1991 was issued. The applicant's grievance is that he is the senior most candidate in the Division and the post against which he was promoted is still in existence as is evident from the order No. Estt./M-4/General/90/1, dated Lucknow 20.11.1991. According to the applicant, vide G.M.T. letter dated 29.3.1983, the local officiating arrangements in leave vacancies not exceeding for four months in all LSG clerical cadre. The applicant is continuously officiating on the said post from 3.12.1986 without any break, as such, he is liable to be regularised on the said post. The Government of India issued a letter bearing No. 36011/14/33-Estt(SCT) dated 30.4.1983 giving guidelines for Adhoc promotions and paragraph no.5 of the said guidelines reads as under;

"(5) All ad-hoc appointments have to be replaced by regular incumbents at the earliest opportunity. Accordingly when regular promotions are made subsequently reversion of the adhoc appointees should take place strictly in the reverse order of seniority, the junior-most candidate being reverted first. No special concessions are to be given to SC/ST candidates at the time of such reversion."

2. The respondents have opposed the claim of the applicant and have stated that the applicant,

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3. The facts make it clear that the post which was diverted for the time being to Lakhimpur has not been abolished and after bifurcation of the said office, the post is not retained at Lakhimpur and automatically it was go back to Sitapur. The applicant who was working on the said post and was rather the senior most employee has a better claim over the said post in comparison of any other person. If no regular appointment has been made, the applicant by virtue of seniority and because he was working on the said post and he was not sent to Lakhimpur, is entitled to hold the said post.

4. Accordingly, this application is allowed and the respondents are directed to appoint the applicant on the post either Lakhimpur in case the post has been recreated ~~or that place~~ or exists or on the post at Sitapur where the post exists because of the seniority of the applicant, in case, no other junior person has been allowed to work. But the applicant is entitled to get an appointment at Sitapur on the said post on adhoc basis, if no regular appointment has been made and any body with better claim has been appointed in his place. Let the compliance be made within a period of 2 months from the date of communication of this order. No order as to the Costs.

Ramgopal
NUMBER (A)

Dated: 16th March, 1993.

(n.u.)

Vice-Chairman