

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

O.A.No. 317/92 (L)

Kamta Prasad Pandey ::::: Applicant.

Vs.

Union of India &
Others. ::::: Respondents.

Hon.Mr.Justice B.C. Saxena, V.C.
Hon. Mr. V.K. Seth, A.M.

(By Hon. Mr. V.K. Seth, A.M.)

In this O.A. the applicant has prayed for the following reliefs :-

- " (A) The Hon'ble Tribunal be very graciously pleased to quash the impugned order Annexure A-1 issued by the respondent No.3 and is dated 1-7-92 ordering reversions of the applicant from posts of LSG Supervisor carrying scale of pay of Rs.1400-2300 to a lower cadre of Postal Assistants carrying pay scale of Rs.975-1660 in operative status by issue of orders commands in shape of the writ of mandamus in favour of the applicant and against the respondents.
- (B) The Hon'ble Tribunal be further pleased to issue orders restraining the respondents not to proceed further with implementation of the impugned order Annexure A-1 arbitrarily during the pendency of the application before the Hon'ble Tribunal. "

2. The brief facts of the case are as under :-
The applicant joined on 14-69 as a Postal

Assistant and after passing the 1/3rd Lower Selection Grade (LSG) quota examination he was posted as Lower Selection Grade Sub-Post Master w.e.f. 31-12-83. Subsequently he was posted on Supervisory posts at different places. After the introduction of Biennial Cadre Review (BCR) w.e.f. 1-10-91 vide impugned order dated 1-7-92 the applicant was transferred from the post of Assistant Post Master (APM), Sultanpur Head Post Office to the post of LSG Postal Assistant (LSGPA) Sultanpur Head Post Office. Being aggrieved with the action of the respondents the applicant submitted a representation dated 3-7-92 addressed to the Director of Postal Services. He also filed the present O.A. before this Tribunal on 13-7-92 which was admitted.

By way of interim relief the applicant was granted protection of his status and ^e ~~em~~oluments which was extended from time to time.

3. The applicant has advanced various grounds in support of his claim. He contends that the impugned order violates the principles of natural justice, is punitive in nature as also attracts Articles 14 and 16 of the Constitution. It is also claimed that he acquired the right to the post of LSG Supervisor, involving higher responsibilities which cannot be taken away by administrative orders and the impugned order operates with retrospective effect. During the course of the arguments the learned counsel for the applicant admitted that as a result of the impugned order he has not been shifted to a lower pay scale. He, however, contended that as he is shifted from a post involving higher responsibilities

in the shape of Supervisory duties as required by an Assistant Post Master to an operative post of postal Assistant, it amounts to reversion and is punitive in nature even though his pay has not been reduced.

4. The respondents have contested the claim of the applicant and filed a detailed counter-affidavit. The applicant has, however, chosen not to file any rejoinder despite ample opportunity being afforded for the purpose.

5. We have carefully considered the records of the case and given anxious thought to the arguments advanced by the learned counsel for the parties.

6. We shall now discuss the grounds advanced by the applicant in support of his claim. As regards the reduction in pay scale, during the course of hearing the learned counsel for the applicant admitted that there has been no reduction in the pay scale of the applicant and even after the transfer of the applicant by the impugned order he continued to be in the LSG contrary to the impression created by the text of the relief clause in para 8 (A) of the C.A. Further the averment of the respondents in their counter affidavit to the effect that the Supervisory Special Pay/Special Allowance admissible to LSG cadre has been abolished on the introduction of BCR scheme has not been contested by the learned counsel for the applicant. The ground regarding reduction in emoluments violating the principles of natural justice, therefore, does not hold good. As regards

his assertion about the retrospectivity of the impugned order, the same is apparently misconceived as the said order clearly says that the following transfer and posting orders are hereby issued with immediate effect implying thereby that the orders take effect from the date of issue viz. 1-7-1992 and not from any prior date as claimed by the applicant. As regards the other main contain of the applicant regarding his shifting from a position of Supervisory responsibility to that of an operative Postal Assistant in the same pay scale being regarded as a reversion, the applicant's counsel failed to cite any Rule, Instructions or any Rulings, in support of the same. However, our attention has been drawn to some provisions of the CCS CCA Rules which, though not giving any specific definition of the term "reversion", by implication rebut the claim of the applicant. Explanations (iv) & (v) under Rule 11 which lists penalties which may be imposed on a Government Servant read as under:-

" (iv) reversion of a Government Servant officiating in a higher service, grade or post to a lower service, grade or post, on the ground that he is considered to be unsuitable for such higher service, grade or post or on any administrative ground unconnected with his conduct;

(v) reversion of a Government servant, appointed on probation in any other service, grade or post, to his permanent service, grade or post during or at the end of the period of probation in accordance with the

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terms of his appointment or the rules and orders governing such probation: "

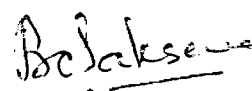
7. From the above explanations it is quite clear that the expression "reversion" of a Government Servant is used to denote his being shifted from a higher service, grade or post to a lower service, grade or post. It is well-known that the level of a service, grade or post in Government service is denoted by the pay scale or the pay and other allowances attached to it. The learned counsel for the applicant having failed to produce any material to assail the above view we are unable to accept his contention that the impugned order shifting him from a Supervisory position to an operative position in the same pay scale is punitive in nature.

8. In view of the foregoing observations we find the application without substance and merit and liable to be dismissed and we order accordingly.

9. The interim order stands vacated.

10. In view of the facts and circumstances of the case there will be no order as to the costs.


Administrative Member.


Vice-Chairman.

Dated: 20/5/94, Lucknow.

(tgk)