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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW.

O.A. No. 1022 of 1987.

Mrs. Rosy ThomasApplicant.

Versus

Union of India & othersRespondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Chayya, A.M.

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

Against the reversion order dated 19.10.87
from the post of Office Superintendent to the post
of Junior Stenographer, the applicant filed this
application before the tribunal.

2. The applicant was a Junior Stenographer in
the department and she was promoted as Office Superin-
tendent vide order dated 12.3.84 in place of Shri C.P.
Pahwa. It was provided in the order that the vacancy
is likely to exceed 45 days and it was specified
in the order that her appointment was temporary and
can be terminated at any time without assigning any
reason. Vide order dated 20.4.85, she was promoted
as Office Superintendent on regular basis from the
date of issu. of the letter. The applicant filed
representation against the same and it was clarified
by the department vide order dated 1.5.85 that she
will remain on probation for a period of two years.
According to the applicant, she was appointed on
regular basis and as such there was no question of
placing her on probation and she could not have been
reverted. Prior to her reversion, statutory rules came
in force on 12.9.77 and the rule provides this post
on probation. Vide earlier order, undoubtedly, the
applicant was promoted on regular basis, ^{but} there was
no word in the said order that she is being promoted
on probation. But very soon thereafter it was rectified
and the applicant was apprised of the fact that she

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was on probation. This was in conformity with the recruitment rules. Later on, the case of the applicant was considered by the Departmental Promotion Committee and the Departmental Promotion Committee came to the conclusion that she has not successfully performed her duties and her probation period will not be extended. This time also as a result of the recommendation of the DPC, her reversion order was passed.

3. On behalf of the applicant, it was disputed that no documents of proceedings of DPC had been produced and on prayer for production of documents, the same have been produced today before us. The proceedings of DPC have been produced which indicate that the case of the applicant was again considered by the DPC and which after considering her case, came to the conclusion that she has not completed her probation period successfully and has not performed her duties as expected, that is why reversion order was passed. Learned counsel for the applicant contended that once she was appointed on regular basis, no variations could have been made. It may be that the earlier order when she was promoted on regular basis, there was no reference regarding her appointment on probation but subsequently the position was clarified because the earlier order was not issued in accordance with the recruitment rules. Even if his contention is accepted, it could not have been a regular appointment because no regular appointment can be made against the provisions of statutory rules. Consequently, the plea, which has been raised by the learned counsel for the applicant, fails. It was within the jurisdiction of the DPC to consider the suitability of

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the candidate. The DFC while reviewing the work of the applicant, found that she was still not found fit. She performed duties as Office Superintendent not on regular basis, that is why there was no option but to pass reversion order. Accordingly, the reversion order had been passed. Merely because the reversion order has been passed, it does not mean that the applicant will not get any chance or opportunity in future. In case, the applicant proves that she is the seniormost Stenographer, there appears no reason as to why her case for the post of Office Superintendent may not be considered. With these observations, the application stands dismissed. No order as to costs.

B. Arthur
MEMBER 'A' 2

Lee
VICE CHAIRMAN.

DATED: NOVEMBER 19, 1992.

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