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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 186/87

199

~~XXXXXX NO:~~

DATE OF DECISION 14.10.1992

Shri B.B.Domkondwar Petitioner

Smt. Radha D'souza Advocate for the Petitioners

Versus

Director General of Works, C.P.W. Respondent
N.Delhi through Superintending Engineer,
Bombay Central Circle No.II, C.P.W.D.B'BY,

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K.Dhaon, Vice Chairman

The Hon'ble Mr. M.Y.Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

ND

(S.K.Dhaon)
Vice Chairman.

mbm*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

(12)

OA.NO. 186/87

Shri B.B.Domkondwar

... Applicant

V/S.

Director General of Works
C.P.W.D., New Delhi Through
Superintending Engineer,
Bombay Central Circle No.II,
C.P.W.D. Bombay.

... Respondents

CORAM:: Hon'ble Vice Chairman Shri Justice S.K.Dhaon
Hon'ble Member (A) Shri M.Y.Priolkar

Appearance

Smt.Radha D'souza
Advocate
for the Applicant

ORAL JUDGEMENT

Dated: 14.10.1992

(PER: S.K.Dhaon, Vice Chairman)

The order dated 25.4.1986 reverting the applicant to the original post is being impugned in the present application.

2. On 28.6.1980 the applicant along with 32 others who were then Junior Engineers(Civil) were given a chance to officiate as Assistant Engineer(Civil) in C.E.S. Group 'D' on purely adhoc basis. It was made clear in the order that the adhoc promotion will not confer any right on the appointees to claim either for regular appointment as Assistant Engineer(Civil) or for determining seniority in the grade of Assistant Engineer (Civil).

3. It is apparent that the applicant was given a purely an officiating chance on adhoc basis. And, thereafter, he has been reverted to a substantive post. It is a settled law that an officiating or adhoc appointment does not confer any right on any person, and therefore, none of the legal rights of the applicant were infringed by the impugned order of reversion.


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4. It is urged on behalf of the applicant that some persons who are similarly situated as the applicant had been reverted and thereafter given a fresh appointment taking into account the service rendered by them on adhoc basis earlier. The argument, therefore, is that the action of the respondents in reverting the applicant was violative of Articles 14 & 16 of the Constitution.

5. In the reply filed on behalf of the respondents, it is averred in paragraph 13 that the applicant's performance in some years had not been satisfactory and this fact can be verified from the C.Rs of the years 1981-82, 82-83, 83-84. It is also averred that subsequent promotions were made on the basis of the panel prepared. It is further averred that the panel was prepared on a comparative assessment on merit of all concerned including the applicant. No rejoinder affidavit has been filed by the applicant. In the absence of any rejoinder affidavit, it has to be presumed that the averments made in the reply are correct. It is true that the respondents have not Annexed to the reply copies of the character-roll entries of the applicant. But nothing will turn on the failure of the respondents to do so, in the absence of any challenge of the applicant in reply to the averments made on behalf of the respondents.

6. In our opinion, the applicant is not entitled to ~~grant~~ any relief. This application is dismissed but without any order as to costs.


(M.Y. PRIOLKAR)
MEMBER (A)


(S.K. DHAON)
VICE CHAIRMAN