BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BNEHC

CAMP AT NAGPUR

(7)

T.A.No.247/87
WP No.2000/82

Raghunath Mahadeo Thakre and ors .... applicants

V/s

Union of India and ors .... Respondents

CONNECTED WITH

T.A.No.257/87
WP NO.30/83

Prabhakar Bhimrao Bagde and ors .... Applicants

V/s

Union of India and ors

CORAM : HON'BLE MR.JUSTICE U.C.SRIVASTAVA,Vice-Chairman

HON'BLE MEMBER MR.M.Y.PRIOLKAR, MEMBER(A)

Appearance

ORAL JUDGEMENT DATED:18.11.1991

(PER : M.Y.PRIOLKAR, M/A)

Both these applications T.A.No.247/87 WP2000/82 and TA No.257/87 WP No.30/83 are being disposed by this common order, as the issues involved and relief prayed for are the same in both these cases.

2. The applicants in both these applications were originally appointed as casual labourer, subsequently regularised and then promoted as Second Fireman. They have been in the

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employment in the post of II Fireman for over one or two years. They have the grievance that they have been reverted by order dated 10.9.1982 on the ground that certain employees who are their seniors are now being appointed in their places.

2. Respondents in their Written Statement stated that at the time the applicants were initially appointed as Second Fireman, there was no seniority list and the applicants were, therefore, appointed purely on adhoc basis pending finalisation of the seniority list and without prejudice to the claim of their seniors. The order of appointment which is annexed to the application, however, merely states that the "Promotions are purely temporary in an officiating capacity on trial and do not confer on them any prescriptive right for permanent promotion and seniority". Evidently, the applicants at the time of their appointment as II Fireman were not given to understand that they were being appointed purely as a temporary arrangement till the finalisation of the seniority list, as is now alleged. It is also not clear from the record, whether before appointment on such trial basis, they had been subjected to the required trade tests before their appointment. In any case, the applicants have been reverted after having worked for a number of years, and without having been told in advance that they could be reverted on finalisation of the seniority list. Based on their appointment order, they could not be apparantly reverted on any other ground except, by implication, for unsatisfactory service being on trial. We are of the view that this application can therefore be disposed of by giving a direction to the respondents that before reverting the applicants they should

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served a show cause notice and further action taken on merits only after consideraing the representation made by the applicant in reply to such show cause notice. The reversion order already issued is accordingly set aside with the above direction. No order as to costs.