

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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NEW BOMBAY BENCH

O.A. No. 758/87

198

~~XXXXXX~~

DATE OF DECISION 10.2.1988

Mr.B.T.Jawale

Petitioner

Applicant in person

Advocate for the Petitioner(s)

Versus

Union of India through Secretary,  
Ministry of Inf.& Broadcasting  
and two others.

Respondents

Mr.P.M.Pradhan

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C.Gadgil, Vice Chairman

The Hon'ble Mr. J.G.Rajadhyaksha, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal?

(4)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY 400 614

O.A.NO. 758/87

Mr.B.T.Jawale,  
Peon,  
Doordarshan Kendra,  
Worli, Bombay - 25.

APPLICANT

V/S.

Union of India  
through  
the Secretary,  
Ministry of Information  
and Broadcasting,  
Shastri Bhavan,  
New Delhi-110 001.

2. The Director General,  
Doordarshan,  
Mandi House,  
New Delhi-110 001.
3. The Director,  
Doordarshan Kendra,  
Worli, Bombay-400 025.

RESPONDENTS

CORAM: HON'BLE Vice Chairman B C Gadgil  
Hon'ble Member (A) J G Rajashyaksha

APPEARANCE :

Applicant in person

Mr.P.M.Pradhan  
Advocate  
for the Respondents

JUDGMENT

Dated: 10.2.1988

(PER: B.C.Gadgil, Vice Chairman)

We have heard the applicant as also Mr.P.M.Pradhan for the respondents. This application deserves to be summarily dismissed for the following reasons.

2. The applicant who is an employee with the Doordarshan Kendra, Bombay, was appointed as Peon in 1973 and later on promoted on ad hoc basis as

Daftary in 1980. He was reverted to his original post w.e.f. 30.6.1985. The applicant's contention is that this reversion is in violation of Article 311 of the Constitution and that it is liable to be struck down.

3. When we issued notice for admission to the respondents we had directed them to keep ready for the perusal of the Tribunal the DPC proceedings. Accordingly, Mr. Pradhan, for the respondents, has brought the said proceedings. On going through them, we find that the case of the applicant along with other employees has been considered by the DPC on 24.6.1985. Mr. Pradhan told us that this was done as the post of Daftary fell vacant and a regular appointment to that post was required to be made. The DPC found the applicant not suitable, taking into account the earlier performance of the applicant. We have already been shown the concerned record as to how the applicant was found wanting in his performance as Daftary. A number of memos have been issued showing the deficiencies of the applicant and asking him to be more careful. His late attendance was required to be treated as Casual Leave on a number of occasions. Mr. Pradhan is right when he contends that the DPC has considered the earlier service performance of the applicant and found him not suitable for the regular appointment as Daftary. Once he is not found suitable for the appointment, the necessary action would be that his ad hoc promotion would come to an end and he will be reverted to the original post. This is exactly what has been done by the Department and there is no illegality in such action. The application, therefore, is summarily dismissed.

(J.G. Rajadhyaksha)  
Member (A)

(B.C. Gadgil)  
Vice Chairman