

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY,
CIRCUIT Sittings AT PANAJI.

Original Application No. 675/87.

Shri V. Veeraju,
Head Surveyor,
C/o. Directorate of Head Surveyor,
Panaji - Goa. ... Applicant

V/s.

1. Collector of Goa,
Panaji, Goa.
2. Union of India through the
Administrator for Goa, Daman & Diu.
3. Director of Land Survey, Panaji. ... Respondents.

Coram: Hon'ble Member (J), Shri M.B. Mujumdar,
Hon'ble Member (A), Shri M.Y. Priolkar.

Oral Judgment:

(Per Shri M.B. Mujumdar, Member (J)) Dated: 13.4.1989

By order dt. 25.3.1983, on the recommendation of the Class III DPC, the applicant was promoted to the post of Surveyor Gr.I in the office of the Chief Engineer in the Irrigation Department on deputation for a period of one year, w.e.f. the date of taking charge. Accordingly he was relieved on 31.3.1983. By order dated 8.10.1986 on recommendation of the DPC for Group 'C' employees non-common category, the applicant and 17 others were confirmed in the permanent posts of Head Surveyors against such post available in the Directorate of Land Survey w.e.f. 7.11.1985. The name of the applicant is at Sl. No.10 in that Order.

2. There were in all 12 posts of Supervisors in the Land Survey Department. The Administrative Reforms Division of the Goa Government which was required to assess the staff position in the Forest Department, by its Report dt. 18.3.1985 recommended that out of the 12 existing posts of Supervisors, 9 were in excess of the requisite requirements. The division agreed to

retain only 3 posts of Supervisors as far as Land Survey Department was concerned. In pursuance of that report by order dated 18.7.1985 9 posts of Supervisors in the Directorate of Land Survey were declared as surplus. In pursuance of that report and the order dated 18.7.1985 the Government of Goa passed an order on 19/20.11.1985 declaring the names of persons who were declared surplus. As already pointed out, the posts of 9 Supervisors were declared surplus. The name of the applicant is at Sl. No.9 in the list of persons who were holding the post of Supervisors.

3. Being aggrieved by the order, two Supervisors and 4 Head Surveyors approached the New Bombay Bench of the Central Administrative Tribunal. In view of the directions given by the Tribunal the Government passed order dated 17.10.1986. By that order the applicant was directed to give option within one month of the receipt of the order as to whether he wants reversion to the post of Head Surveyor or he would like to accept the post of Forest Surveyor in the scale of Rs.425-700 (pre-revised) in the Forest Department. Accordingly on 3.11.1986 the applicant exercised his option. He submitted - "(1) In case any one of the Supervisors who are posted here (i.e. in Irrigation Department) in the equivalent posts do not opt for the posting, I may be given a chance to continue my present post in this Department as Surveyor Gr. I, which is equivalent to the post of the Supervisor in the Directorate of Land Survey. (2) In case of both the

posts in the Irrigation Department were opted by the Supervisors, and if there is no other equivalent post, I may be brought back to my parent Department. (3) I will not like to accept the post of Forest Surveyor in the Forest Department."

4. Pursuance to No.2, the applicant was re-transferred to his parent office, viz. Directorate of Land Survey, Panaji, w.e.f. 3.2.1987. By order dated 21.4.1987 the applicant and 6 other supervisors above him were reverted to the post of Head Surveyor which was the substantive post held by the applicant. Two persons above all of them were, we are told on behalf of the respondents, had opted in favour of Irrigation Department.

5. Now the applicant has filed the present application on 13.10.1987 under section 19 of the Administrative Tribunals Act, 1985. He has prayed - (i) To exempt him from the order dated 19/20.11.1985 by which 9 Supervisors who were in the Directorate of Land Survey were declared surplus. (ii) The order dated 17.10.1986 by which the applicant was directed to give an option should be set aside, and (iii) The order dated 21.4.1987 by which he is reverted from the post of Supervisor to the post of Head Surveyor should be set aside.

6. Respondents have filed their exhaustive reply giving the facts and justifying the orders which the applicant has challenged in the application.

7. We have heard the applicant in person and Mr. M. I. Sethna, learned advocate for the respondents. We have also carefully gone through the record which is produced before us.

8. After considering the arguments and records we are unable to grant any of the prayers made by the applicant in the application.

9. As already pointed out 9 posts of Supervisors were required to be declared surplus in view of the report of the Administrative Reforms Division dt.18.3.1985. Having declared the 9 posts surplus the applicant's option was called for. The first ~~two~~ options given by ^{was} him ~~were~~ conditional. Hence the Government retransferred him to his parent office, viz. Directorate of Land Survey as per the option given by him in para (ii). It is in view of that option that he was brought ^{to} his parent office. When 9 posts of Supervisors were declared surplus it was unavoidable to post the applicant as Head Surveyor, which was the post held by him in a substantive capacity. It may be recalled that the applicant was confirmed as Head Surveyor by order dt. 7.11.1985.

10. The applicant's grievance appears to be this. By order dated 25.3.1983 the applicant was promoted to the post of Surveyor Gr.I in the office of the Chief Engineer in the Irrigation Department on deputation for a period of one year. Probably he wants the post of Surveyor Gr.I in the office of the Chief Engineer, Irrigation Department or equivalent post in his parent department. Obviously, this could not be done because he was holding the post of Head Surveyor in a substantive capacity. Respondents have given that post to him. When 9 posts of Supervisors were declared surplus and when the applicant was at the bottom, we do not think that the respondents could have done anything better than this.

11. Therefore, we do not find any merit in this application and hence dismiss it with no order as to costs.

4th June
(M.Y. PRICKAR)
MEMBER (A)

MPA
(M.B. MUJUMDAR)
MEMBER (J)