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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 767/87 1988
~~Ex-Acc No.~~

DATE OF DECISION 11.2.1988

Shri Khashaba V. Mane & 3 ors. Petitioner

Advocate for the Petitioner(s)

Versus

Union of India & 2 ors. Respondent

Shri S R Atre _____ Advocate for the Respondent(s)
(for Shri P M Pradhan)

CORAM:

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

The Hon'ble Mr. J G Rajadhvaksha, 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?

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(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400614

O.A. NO. 767/87

1. Shri Khashaba Vithoba Mane
Government Medical Store Depot
Bombay Central, Bombay-400008
2. Shri Shankar Vittal Patel
Government Medical Store Depot
Bombay Central, Bombay 400008
3. Shri Vijay Jagannath Urunkar
Government Medical Store Depot
Bombay Central, Bombay 400008
4. Shri Jagdeep V. Maniar
Government Medical Store Depot
Bombay Central, Bombay 400008

Applicants

V/s.

1. Union of India
through Secretary
Ministry of Health & Family Welfare
Nirman Bhavan, New Delhi-11
2. The Director General of Health Services
Nirman Bhavan
New Delhi 110011
3. The Deputy Assistant Director
General (Medical Stores)
Government Medical Store Depot
Bombay Central, Bombay 400008

Respondents

Coram: Hon'ble Vice Chairman B C Gadgil
Hon'ble Member(A) J G Rajadhyaksha

Appearance:

Shri K V Mane
Applicant no.1
for the applicants

Shri S R Atre
(for Shri P M Pradhan)
Advocate
for the respondents

ORAL JUDGMENT
(Per: B C Gadgil, Vice Chairman)

DATED : 11.1.1988

The four applicants have filed this application challenging reversion to their substantive posts. The controversy arises as follows: There is a post of Accountant (Internal Audit). Applicant no.1 is Officiating

Stores Superintendent. He was promoted on ad hoc basis to the post of Accountant (Internal Audit) on 1.5.1985. Consequent upon the promotion, applicant no. 2 S V Patel was appointed to officiate in the post of Store Superintendent on ad hoc basis. Similarly, applicant no. 3 who was an Officiating Selection Grade Pharmacist-cum-Clerk was promoted as Officiating Assistant Superintendent on ad hoc basis (i.e., the post held by the applicant no. 2) and applicant no. 4 who was a Quasi-Permanent Pharmacist-cum-Clerk was promoted as Selection Grade Pharmacist on ad hoc basis (i.e., the post held by applicant no. 3). By the impugned order dated 5.11.1986, the applicant no. 1 was reverted to the substantive post as Officiating Stores Superintendent with effect from 31.10.1986. In view of this reversion there was also a chain reversion of applicants nos. 2, 3 and 4 to their original posts. It is these orders that are challenged before us.

2. We have heard applicant no. 1 and also Mr. S R Atre for the respondents. The grievance of the applicant no. 1 is that his ad hoc promotion to the post of Accountant should not have been terminated and that he should have been continued. However, it appears that according to the recruitment rules, the post of Accountant (Internal Audit) is to be filled in from persons holding the post of Subordinate Accountants Service - Accountant/Section Officer from any of the organised audit services. In substance, it means that these posts are primarily to be filled in from the employees of the Indian Audit and Accounts Department. It appears that an eligible employee was not available and hence the applicant, though not belonging to that service was appointed on ad hoc basis. It is thus clear that applicant no. 1 is not eligible to the post of Accountant (Internal Audit). In that background, putting an end to the ad hoc promotion of applicant to that post cannot be said to be in any way illegal. Obviously, on the reversion of applicant no. 1 there ought to be reversions of applicants nos. 2, 3 and 4 as they were promoted on ad hoc basis primarily because applicant no. 1 was promoted on such basis as mentioned above. In view of this position we do not find that there is

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any error or illegality in the impugned orders.

ORDER

The application is, therefore, summarily disposed of with no order as to costs.

(J G Rajadhyaksha)

Member(A)

B C Gadgil

(B C Gadgil)

Vice Chairman