

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A.683/88

K.Z.Shende,
House No.K-8,
Pandhra Bodi,
Ramnagar,
NAGPUR.

.. Applicant

vs.

1. Union of India
through
The Secretary,
Ministry of Home Affairs,
New Delhi - 110 001.
2. Director General,
Department of Civil Defence,
Express Building, 2nd Floor,
North Wing,
Bahadur Shah Zafar Marg,
New Delhi - 110 002.
3. Director, National Fire
Service College,
Civil Lines,
Nagpur.
4. M.L.Tumbade

.. Respondents

Coram: Hon'ble Vice-Chairman Shri B.C.Gadgil
Hon'ble Member (A) Shri P.S.Chaudhuri

Appearances:

1. Mr. Mohan Sudame
Advocate for the
Applicant.
2. Mr. S.V.Natu,
Advocate for
Respondent No.3

ORAL JUDGMENT
(Per B.C.Gadgil, Vice-Chairman)

Date: 27-9-1988

Heard Mr. Mohan Sudame, advocate, for the
applicant and Mr. S.V.Natu, advocate, for respondent No.3.
The application deserves to be summarily dismissed for
the following reasons.

The applicant was working as Lower
Division Clerk with Respondent No.3. On 2-6-1988 he
was promoted on adhoc basis as Upper Division Clerk
with effect from 1st May, 1988. The applicant apprehends
that he would be reverted to the post of Lower Division
Clerk as Respondent No.4 is being posted as Upper

Division Clerk with Respondent No.3. Respondent No.3 has filed a short reply opposing the application.

The Government has prepared a scheme for redeployment of surplus staff. The purpose of the scheme is to absorb surplus staff from departments against the vacancies & that would be available in other departments. At annexure-II to the application we have got a office memorandum dealing with such redeployment of surplus staff. It is not necessary to give all the details of the scheme; suffice it to say that a provision is made for absorption surplus staff in other departments. Respondent No.4 is one of such surplus staff and he is being absorbed in the vacancy of Upper Division Clerk that is being already occupied by the applicant on adhoc basis. It is true that Mr.Sudame contended that such absorption of respondent No.4 would prejudicially affect the prospects of the applicant to get a promotion to the post of Upper Division Clerk. That may be the result of the scheme. However, the scheme itself shows that the recruitment rules stand modified so as to permit such types of absorption. It will not, therefore, be possible for Mr.Sudame to contend that the absorption scheme introduces certain other persons in the cadre without there being any rules in that respect. It is also worthwhile to note that a permanent staff from other department is being absorbed in this fashion as against that the applicant is holding only a adhoc appointment and that too for a period of 3 to 4 months.

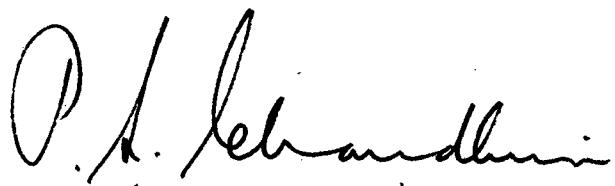
After taking into consideration all these facts we do not think that there is any illegality

By
... 3/-

in the apprehended reversion of the applicant after respondent No.4 joins the post as Upper Division Clerk with Respondent No.3. For these reasons the application is summarily dismissed. There will be, however, no order as to costs.



(B.C.GADGIL)
Vice-Chairman



(P.S.CHAUDHURI)
Member(A)