

(13)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 326/86, 393/86 & 71/87
T.A. No. 198

DATE OF DECISION 8.2.1990

Mohammand Shabbir Abdul Gaffar Petitioner
and others.

Mr. D.V. Gangal Advocate for the Petitioner(s)

Versus

Union of India and others Respondent

Mr. V.G. Rege Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. G.Sreedharan Nair, V.C.

The Hon'ble Mr. M.Y. Priolkar, M(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 ? ☒

(G.Sreedharan Nair) ☒
Vice-Chairman

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH, NEW BOMBAY

Date of hearing and order 8.2.1990

(1) Registration No.O.A.326 of 1986

Mohammand Shabbir Abdul Gaffor .. Applicants
Yerguddi and two others

- versus-

Union of India & others .. Respondents

(2) Registration No.O.A. 393 of 1986

Mohammad Abdulla Khan .. Applicant

- versus-

Union of India and others ... Respondents

(3) Registration No.O.A.71 of 1987

Jagganath Babu Patkar .. Applicant

- versus-

Union of India and others .. Respondents

CORAM : Hon'ble Shri G.Sreedharan Nair, Vice-Chairman

Hon'ble Shri M.Y.Priolkar, Member(A)

Counsel for the applicants : Mr. D.V. Gangal

Counsel for the respondents : Mr. V.G. Rege

ORDER

G.Sreedharan Nair, Vice-Chairman :- These applications were heard together as the question involved is the same. The three applicants in O.A.326 of 1986, the applicant in O.A. 393 of 1986 and the applicant in O.A. 71 of 1987, while working as Ticket Collectors from the year 1981, were reverted in the year 1986. They have filed these applications for declaring that the order of reversion is illegal. It is urged that having worked in the post for over four years the reversion is bad in law especially in view of the fact that the employees who officiated for a period exceed

(12)

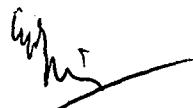
- 2 -

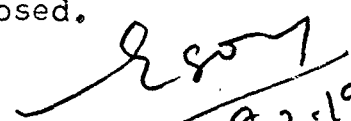
eighteen months cannot be reverted.

2. The respondents have filed reply wherein it is stated that the promotion granted to the applicants was purely on ad hoc basis and against vacancies which were required to be filled in by direct recruitment. At the same time, it is admitted in paragraph 4 of the reply in O.A.326 of 1986 that the applicants therein have again been promoted to the post of Ticket Collector by the order dated 22.10.1986. Counsel of the applicants in other two applications stated that these two applicants have also since been promoted to the post of Ticket Collector. As such, the challenge against the impugned orders of reversion no longer survives.

3. It was submitted by counsel of the applicants that since the applicants have passed the requisite tests, they are entitled to be empanelled for the purpose of regular appointment. Regular appointment, as pointed out by counsel of the respondents, can be claimed only depending on the existence of vacancies and having regard to the seniority position. Since the services of the applicants were used in the posts of Ticket Collectors from the year 1981 and as there is no case for the respondents that their performance is unsatisfactory, the respondents will consider the cases of these applicants for regular appointment to the post of Ticket Collector in accordance with the rules.

4. These applications are closed.


(M.Y. Priolkar)
Member (A)


(G. Sreedharan Nair)
Vice-Chairman
8.2.1990