

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, MUMBAI-1

O.A. No. 663/96

DATED: 13th SEPTEMBER, 1996

Coram: Hon. Shri B.S. Hegde, Member (J)
Hon. Shri M.R. Kolhatkar, Member (A).

Vinod N. Kadlaskar

..Applicant

V/s.

Asstt. General Manager (A-1)
MTNL, BOMBAY & 3 ors.

..Respondents

ORDER

Heard Mr. C.S. Nathan, Counsel for the
Applicant and Mr. S.Karkera, Counsel for the Respon-
dents.

The Tribunal vide its order dated 10.7.96
on the submissions made by the Id. Counsel for the
Applicant that the respondents have reverted the
applicant as J.T.O. w.e.f. 29.11.1995 in order to
restrict the period of officiating as S.D.E. for
180 days. He also submitted that the applicant is
still holding the post of S.D.E. despite the order.
Accordingly ad-interim status quo order was passed
and notice was issued to the Respondents to file
reply on ad-interim relief/order as well as on Admi-
ssion returnable on 22.07.1996. That order continued
till to-date i.e., 9.9.1996.

2. Respondents have filed their reply stating
that the O.A. itself is not maintainable and the
(applicant has not been selected on regular basis for
promotion to the post of SDE/AE by the D.P.C. and was
purely officiating on local arrangement as per the

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delegation of powers conferred by DOT order dated 2.9.86 for giving promotion on purely officiating basis for 180 days till the regular appointment is made by the respondents. The Applicant was purely officiating for 180 days and after completion of the said period, he stands automatically reverted to the post of JTO. Against the reversion order the applicant has not made any representation to the competent authority before approaching this Tribunal and thereby he has not exhausted departmental remedy.

Since the applicant was appointed purely on officiating basis the respondents have issued reversion order in time to the applicant along with other SDEs. The applicant has no legal right to continue in the said post. Since there was no administrative order passed by the respondents for continuation of the local arrangement of promotion on ad hoc basis with regard to the applicant, and the Applicant's name was not considered for next spell of officiating promotion due to pendency of vigilance case against him. He was not issued any order to continue as S.D.E after 30.5.96 and he has been paid in the scale of JTO from June 1995 onwards. In this connection the Ld. Counsel for Respondents draws our attention to the pay slips of the applicant wherein it is shown for the months of June and July 95 his basis pay is shown as Rs.2180/- ^{for No. 35} as JTO though the designation through oversight is given as SDE. The applicant's pay after increment as JTO is Rs.2240/- in November, 1995 and he continues to draw the same basic of Rs.2240/- even in June 1996 pay slip. Ld. Counsel for the respondents contended that just because there is a mistake

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in the pay slip showing the designation as S.D.E. it does not mean that the applicant is drawing the pay of S.D.E. in the circumstances the Status quo order should be vacated.

In the circumstances of the case,
the status quo order stands vacated.

O.A. ADMITTED

List the O.A. for completion of pleadings
on 22-10-96 before the Registrar and there-
after keep the case in sine-die list.

M.R. Kolhatkar

(M.R. Kolhatkar)
Member (A)

B.S. Hegde

(B.S. Hegde)
Member (J)

trk

At 13/9/96
order/Judgment despatched
to Applicant/Respondent(s)
on 24/9/96

27/9/96