

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESOT 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 Respondents.

The Tribunal vide its order dated 10.7.96 on the submissions made by the Ld. 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 Admission 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

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 basic pay is shown as Rs.2180/- 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 thereafter 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/Judgement despatched
to Applicaⁿ respondent (s)
on 24/9/96

27/9/96