

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

ORIGINAL APPLICATION NO: 602/2000

DATE OF DECISION: 02/02/2001

Shri K.B.Paunikar

Applicant

Shri M.S.Ramamurthy

-----Advocate for  
Applicant.

Versus

Union of India & 3 Ors.

-----Respondents.

Shri V.G.Rege- R-1.  
Shri R.K.Shetty R-2 & 3.

-----Advocate for  
Respondents.

Hon'ble Shri Justice Ashok Agarwal, Chairman.  
Hon'ble Smt. Shanta Shastry, Member(A)

1. To be referred to the Reporter or not? /
2. Whether it needs to be circulated to other Benches of the Tribunal? /
3. Library. | ✓

*Shanta Shastry*  
(SHANTA SHASTRY)  
MEMBER(A)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH  
ORIGINAL APPLICATION NO:602/2000  
DATED THE 2ND DAY OF MAR,2001

CORAM:HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN  
HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)

Krushna Bhakruji Paunikar  
working as Accountant (on deputation),  
in the All India Council for Technical  
Education under the Department of  
Education in the Ministry of Human  
Resource Development and residing at  
Room No.1, Shiysadan Niwas,  
Near Gayatri Prathamik Vidyalaya,  
Jimmy Baug, Kolsewadi, Kalyan(E),  
Dist.Thane.

... Applicant.

By Advocate Shri M.S.Ramamurthy.

V/s.

1. Union of India,  
Through the Secretary,  
Ministry of Personnel, Public  
Grievances and Pensions,  
Department of Personnel and  
Training (Surplus Cell)  
Loknaya Bhavan, Khat Market,  
New Delhi - 100 003.
2. The Secretary,  
Ministry of Human Resource Development,  
Department of Education,  
Government of India,  
Shastri Bhavan, 'D' Wing,  
Dr.Rajendra Prasad Road,  
New Delhi - 100 002.
3. The Regional Officer,  
All India Council for Technical Education  
Industrial Assurance Building,  
2nd Floor, Veer Nariman Road,  
Churchgate, Mumbai - 400 020.
4. The Director,  
Department of Lighthouse & Lightships,  
Ministry of Surface Transport,  
Deep Bhavan, M.G.Road,  
Ghatkopar (E), Mumbai - 400 077. ... Respondents.

By Advocate Shri V.G.Rege for R-1  
Shri R.K.Shetty for R-2 and 3.

...2.

:2:  
(ORAL) (ORDER)

Per Smt. Shanta Shastry, Member(A)

The applicant who belongs to Scheduled Tribe was working in the Department of Education, Ministry of Human Resource Development, Government of India. He had joined as LDC in the Western Regional Office of Education on 19/10/81. Around 1995, Western Regional Office of Education of Department of Education was converted into All India Council for Technical Education, an autonomous body with effect from 1/10/95. All the employees including the applicant who had been promoted as UDC from 7/11/89 and as Accountant from 1/1/98 were treated as on deputation to the aforesaid Council with effect from 1/10/95 till they were declared surplus in 1999. They were given options and those who chose not to remain with the All India Council for Technical Education were declared surplus and re-deployed. In the process the applicant's name was initially offered to Wild Life Regional Office, Mumbai as a Technical Assistant. Since the Minimum qualification prescribed for the post was BSc Zoology, and since the applicant was only HSc he could not be selected by that office. Later on he was nominated to the post of Light Keeper in the Office of the Light House and Light Ships in Mumbai. The applicant is aggrieved. According to the applicant, this may be technical job and the applicant may not be able to perform the duties of this post. The applicant has so far not joined this post for which orders were issued on 20/6/2000 from the Respondent No.4.

2. The applicant wants to ensure that the post is not a technical post and can be held by anyone who is in the line of LDC, UDC or Accountant.

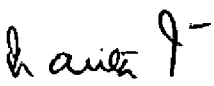
3. The learned counsel for the respondents 1 to 3 submits that it is not at all a technical post and he has been selected


...3.

by Respondent No.4 knowing fully well the background of the applicant and therefore it is not necessary to go into as to whether the post is a technical post or whether the applicant is qualified at all to hold this post. When the Respondent No.4 has selected him and offered him the job, he should straightaway join without any further dilydallying.

4. The applicant has chosen not to remain in the All India Council for Technical Education. He has therefore become a surplus employee. As per the Government of India guidelines in regard to the re-deployment of surplus employees, such employees are to be given matching postings as far as possible and the payscale should also be matching. So long as there is no reduction they should have no grudge. The guidelines have also provided that if such re-deployed persons get appointed to a lower post they can represent and same would be considered. This being the position, the applicant has no choice but he should accept the offer of appointment. If he has any problems after joining, he would be welcome to represent against those problems.

5. Right now we do not see any justification to interfere in this matter. OA is therefore dismissed. No costs.

  
(SHANTA SHASTRY)  
MEMBER(A)

  
(ASHOK AGARWAL)  
CHAIRMAN

abp