

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
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Commercial Complex (BDA),  
Indiranagar,  
Bangalore - 560 038

Dated : 11 AUG 1987

APPLICATION NOs. 574 to 576 /87(F)

W.P. NO

Applicant

Shri S.F. Buddar & 2 Ors

v/s The Chief Commissioner (Admn) &  
Commissioner of Income Tax, B'lore

To

1. Shri S.F. Buddar  
S/o Sangappa Fakirappa Buddar  
Income Tax Office  
Bijapur

4. Shri M. Narayanaswamy  
Advocate  
844 (Upstairs)  
Vth Block  
Rajajinagar  
Bangalore - 560 010

2. Shri M.G. Yambhatnal  
S/o Gaffersab Yambhatnal  
Income Tax Office  
Bijapur

5. The Chief Commissioner (Admn) &  
Commissioner of Income Tax  
Karnataka - I

3. Shri B.T. Jadhav  
S/o Tukaram  
Income Tax Office  
Vidyanagar, Hubli - 580 021

6. Shri M.S. Padmarajaiah  
Central Govt. Stng Counsel  
High Court Buildings, B'lore - 1

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STAN/

~~ORDER~~ passed by this Tribunal in the above said  
application on 29-7-87.

*R.V. Venkatesh*  
DEPUTY REGISTRAR  
SECONDRY ORDER  
(JUDICIAL)

Encl : as above

*RECEIVED 10/8/87*

*10/8/87*

*or  
Recd 10/8/87  
10/8/87*

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 29TH DAY OF JULY, 1987.

Present: Hon'ble Sri Ch. Ramakrishna Rao

Member (J)

Hon'ble Sri P. Srinivasan

Member (A)

APPLICATION NOS. 574 TO 576/1987

1) Sri S.F. Buddar,  
S/o. Sangappa Fakirappa Buddar  
Income Tax Office  
Bijapur.

2) Sri. M.G. Yambhatnal  
S/o. Gafforsab Yambhatnal  
Income Tax Office  
Bijapur.

3. Sri B.T. Jadhav  
S/o. Tukaram  
Income Tax Office  
Vidyanagar  
Hubli - 580 021.

... Applicants

(Sri M. Narayanaswamy ... Advocate)

Vs.

The Chief Commissioner (Admn.) &  
Commissioner of Income Tax  
Karnataka I,  
Central Revenue Building  
Queen's Road  
Bangalore - 560 001.

... Respondent

(Sri M.S. Padmarajaiah ... Advocate)

This application has come up for hearing  
today. Hon'ble Sri P. Srinivasan, Member (A) made the  
following:

O R D E R

These applications have come up before  
us for admission today. However, since the issue raised  
in these applications is the same as that in A.No.343/87  
decided by this Tribunal on 27.5.1987, we heard  
counsel on both sides, on the merits of the case.



P.S. - W

2. Shri M. Narayanaswamy and Shri M.S. Padmarajaiah, learned counsel for the applicants and respondents, respectively have been heard.

3. The applicants, who were working as Group-D officials in the charge of the Chief Commissioner of Income Tax, Bangalore, was promoted on adhoc basis as LDCs on different dates, viz., 10.2.1984, 28.12.1981 and 8.2.1982. The quota for promotion to posts of LDC reserved for Group-D officials is 10%. But since the list of candidates from the Staff Selection Commission (SSC) for direct recruitment had not been received, promotions were made from Group-D in excess of the quota as a temporary measure. The persons so promoted were told that they would be reverted as soon as regular candidates sponsored by SSC became available. By order dated 7.5.1987, all the three applicants were reverted to Group-D. The contention of Shri Narayanaswamy is that so far, names sponsored by SSC have not been received by the respondents, and so, the applicants should not have been reverted. He fairly concedes that under the terms of their appointment, the applicants are liable to be reverted if regular candidates sponsored by SSC are available or if the cadre strength of LDCs is reduced.

4. Shri Padmarajaiah strongly opposes the contention of Shri Narayanaswamy, and states that adhoc appointees can be reverted at any time.

D. S. - 48

5. As we have stated earlier, the issue raised in this application is fully covered by the decision of this Tribunal in A.No. 343/87 decided on 27.5.1987. As held in that case, we would hold that the applicants are liable to reversion as and when the names of candidates sponsored by SSC became available or when the cadre strength of LDCs is reduced. In the latter event, reversions would naturally follow the principle of 'Last Come First Go'. Till either of these contingencies happen, there is no justification for reverting adhoc promotees like the applicants. We are informed that as of now, names of candidates from the SSC have not been received, nor has the cadre strength of LDCs been reduced. The reversions of the applicants as per the impugned order dated 7.5.1987 have already taken effect. We, however, direct the respondents to restore the applicants to the posts of LDC before 1.9.1987. But the applicants will, however, not be entitled to pay and allowances in the post of LDC from 15.5.1987 till the date they rejoin as LDCs.

5. In the result, the applications are partly allowed. Parties to bear their own costs.

Sd/-

Sd/-

MEMBER (J)

MEMBER (A)

-True Copy-