

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 7 OCT 1988

APPLICATION NO.

468

/88(F)

W.P. NO.

Applicant(s)

Shri A. Anthony Ravi
To

Respondent(s)

V/s The Commandant, Pioneer Corps Training Centre,
Bangalore & 3 Ors

1. Shri A. Anthony Ravi
Messenger
Office of the Pioneer Corps Training Centre
J.C. Nagar
Bangalore - 560 006
2. Shri S.K. Srinivasan
Advocate
35(Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009
3. The Commandant
Pioneer Corps Training Centre
J.C. Nagar
Bangalore - 560 006
4. The Deputy Director General of PNRs
Pioneer Corps Training Centre
Quartermaster General's Branch
Army Headquarters
West Block III
N.K. Pura
New Delhi - 110 066
5. Kum A. Prabhavathi
Lower Division Clerk
A.S.C. Records
Bangalore - 560 007
6. Smt Jothi Prabha
Lower Division Clerk
A.S.C. Records
Bangalore - 560 007
7. Shri M.S. Padmarejale
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STAY/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 28-9-88.

Encl : As above

SECTION OFFICER

(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 28TH DAY OF SEPTEMBER, 1988

Present: { Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 468/1988

Shri A. Anthony Ravi,
Aged 30 years,
S/o Late Arokiaswamy,
Working as Messenger,
O/o the Pioneer Corps Trg. Centre,
Bangalore.

... Applicant.

(Shri S.K. Srinivasan, Advocate)

v.

1. The Commandant,
Pioneer Corps Training Centre,
J.C. Nagar, Bangalore.
2. The Dy. Director General of PNRS
Pioneer Corps Training Centre,
Quartermaster General's Branch,
Army Head Quarters,
West Block III, R.K. Puram,
New Delhi.
3. ^{Km} Miss. A. Prabhavathi,
L.D.C., A.S.C. Records,
Bangalore.
4. Smt. Jothi Prabha,
L.D.C., A.S.C. Records,
Bangalore.

... Respondents.

(Shri M.S. Padmarajaiah, C.G.S.S.C.)

This application having come up for hearing to-day,

Vice-Chairman made the following:

O R D E R

In this application made under Section 19 of the Administrative Tribunals Act, 1985 (Act) the applicant has challenged communication No.2071/1/(A) Civ dated 17th October, 1987 (Annexure A5) and No.2071/1/(A)/Civ dated 22.12.1987 (Annexure A6) issued by the Commandant, Pioneer Corps Training Centre, Bangalore (Commandant)..



2. Shri A. Anthony Ravi, the applicant before us, is a Permanent Civilian Messenger, a Group 'D' Post, in the office of the Commandant, in which office the posts of clerks, are normally manned by 'Combatant Clerks' or Army personnel. In 1986, for various reasons with which we are not concerned 4 combatant clerks were not available or there was 4 vacancies in that category. Evidently to carry on with the work in his office, naturally with the prior permission of his superiors in that behalf, the Commandant appointed the applicant, Respondent-3 and 4 and one other person with whom we are not now concerned as Civilian Clerks from different dates on a purely temporary basis. On the combatant clerks becoming available, the Commandant had terminated the services of civilian clerks including that of the applicant by reverting him to his permanent post.

3. In justification of the orders or actions, Respondents 1 and 2 have filed their reply and have produced their records.

4. Shri S.K. Srinivasan, learned counsel for the applicant, contends that the action of the Commandant in reverting his client as a Messenger accommodating or continuing respondents 3 and 4 as clerks was illegal and violative of Article 14 and 16 of the Constitution. In support of his contention Shri Srinivasan strongly relies on the ruling of Supreme Court in UNION OF INDIA v. HAR GOPAL (1988 (1) AISLJ 59) and ruling of this Tribunal in SWAMINATHA SHARMA AND OTHERS v. UNION OF INDIA AND OTHERS (ATR 1988 (1) CAT 84).

5. Shri M.S. Padmarajaiah, learned Senior Standing Counsel appearing for Respondents 1 and 2 contends that the reversion of the applicant who had not acquired a right to continue as a clerk, was justified on the facts and circumstances.

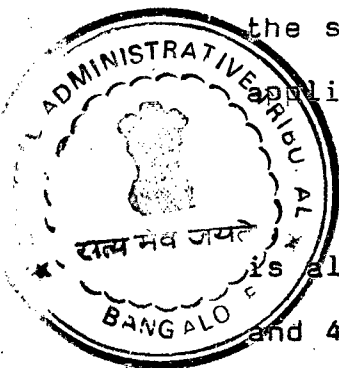
6. We have earlier noticed the circumstances in which the applicant and others were appointed as civilian clerks. On the combatant clerks becoming available, it was open to the Commandant to terminate the temporary arrangements.

7. An examination of the appointment orders shows that the applicant, had been appointed purely on a temporary basis only.

8. On the situation that developed and the very terms of his appointment, it was open to the Commandant to revert the applicant to the permanent post he held in that office. This is what the Commandant had done. We see no illegality in the action of the Commandant at all. We cannot condemn the same as capricious, whimsical or made to victimise the applicant or help Respondents 3 and 4.

9. We are of the view, that the case of the applicant is altogether different to the cases of respondents Nos 3 and 4 appointed on a temporary basis for the first time.

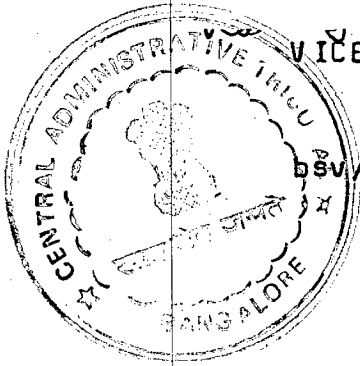
In that view, even if respondents 3 and 4 had been accommodated in other offices either on a temporary basis according to the authorities or on a permanent basis according to the applicant really makes no difference for reverting the applicant to his permanent post on which he held a lien. On this



view we find no justification to unnecessarily probe into the actions taken in favour of respondents Nos. 3 and 4.

10. In our view, the principles enunciated by the Supreme Court in Har Gopal's case or this Tribunal in Swaminatha Sharma's case, do not really bear on the point.

11. On the foregoing discussion we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.



Sd/-
VICE-CHAIRMAN

bsv/Mrv.

TRUE COPY

Sd/-

MEMBER (A)


SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE