

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 6 OCT 1994

APPLICATION NO: 543 of 1994.

APPLICANTS:- Sri.L.Ramachandra, Bangalore.

V/S.

RESPONDENTS:- The Registrar General of India, New Delhi and others.

To

1. Sri.S.Narayana, Advocate,
No.974, 66th Cross,
Fifth Block, Rajajinagar,
Bangalore-560 010.
2. Sri.M.S.Padmarajaiah,
Sr.Central Govt.Stng.Counsel,
High Court Bldg, Bangalore-1.

Subject:-

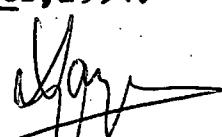
Forwarding of copies of the Order passed by the Central Administrative Tribunal, Bangalore.

--xx--

Please find enclosed herewith a copy of the ORDER/ STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above mentioned application(s) on 29th September, 1994.

Issued on

6/10/94

of 
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATION NO.543/94.

THURSDAY, THE TWENTY NINETH DAY OF SEPTEMBER, 1994

SHRI V.RAMAKRISHNAN,

MEMBER (A)

SHRI A.N.VUPPANARADHYA,

MEMBER (J)

Shri L.Ramachandra,
Aged about 53 years,
Working as Statistical
Assistant, Office of the
Director of Census Operation
in Karnataka, No.21/1 Mission
Road, Bangalore-560 027.

...Applicant

Advocate by Shri S.Narayana.

Versus

1. The Registrar General of India,
Ministry of Home Affairs,
No.2/A, Mansingh Road,
New Delhi-110 011.

2. The Joint Director of Census
Operation, Office of the
Director of Census Operations
in Karnataka, No.21/1, Mission
Road, Bangalore-560 027.

3. Sri M.J.Jagadeesha, Major
Investigator, O/o Director
of Census Operation in Karnataka,
No.21/1 Mission Road, Bangalore-560 027. ..Respondents

Advocate by Shri M.S.Padmarajaiah, S.C.G.S.C.
for R1 and R2.

O R D E R

Shri V.Ramakrishnan, Member (A)



The applicant in this case is aggrieved by the order of the Registrar General of India dated 22.2.94 as at Annexure A5 reverting him along with others from the post of Investigator to that of Statistical Assistant.

2. We have heard Shri Narayana for the applicant and Shri M.S.Padmarajaiah for the respondents 1 & 2.

3. The main ground urged in support of the applicant was that one Shri Jagadeesha who is junior to the applicant has been continued in the higher post while the applicant has been reverted. It has also been mentioned that there is a vacancy available at the level of Investigator on account of the promotion of Shri Sathya Babu to the level of Assistant Director. It is further urged by Shri Narayana that before the applicant is reverted he should have been given an opportunity to submit his case, which was not done.

4. The learned standing counsel submits that it is not a fact that anybody, who is junior to the applicant is being continued as Investigator. He states that R3 Shri Jagadeesha has also been reverted as Statistical Assistant. According to the standing counsel, certain posts of Investigator were created to supervise and manage the Editing and Coding Cell opened for the 1991 Census Operations and the sanction of such posts were only upto 28.2.94. On abolition of these posts with effect from 1.3.94, it had become necessary to revert the junior-most to the lower post. On the basis of such criteria, a number of persons all over the country

had been reverted and the applicant is one of them, in respect of Karnataka Region. He further submits that as the reversion has taken place on account of abolition of post and no junior has been continued in the higher post, and it is not by way of penalty, it is not necessary to issue show-cause notice to the applicant.

5. We find that an identical case in OA 343/94, the Tribunal had dismissed the application by order dated 18th August, 94. As the department had adhered to the criterion of seniority and reverted only those who were junior-most at the level of Investigator to the level of Statistical Assistant and no junior to the applicant has been continued at the level of Investigator, the applicant cannot have any legitimate grievance. As regards the contention of the learned counsel that a vacancy is available on account of promotion of one Shri Sathya Babu, against which the applicant could be accommodated, all we say is that if, in fact, there is such a vacancy, and the department proposes to fill up the same, they should do so in accordance with the prescribed procedure and in accordance with the rules. If on the basis of such an exercise and keeping in view the seniority of applicant and other relevant consideration such as reservation to SC/ST etc., the applicant is found eligible, he should be considered for the higher post, if the department proposes to fill up any vacancy, if it actually exists.

69/

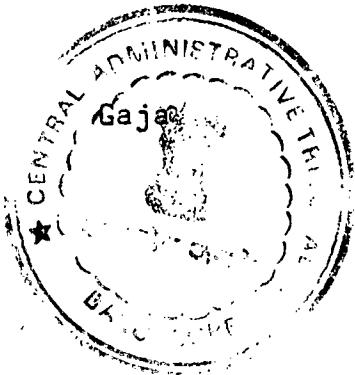
6. With the above observations, we dismiss the application with no order as to costs.

Sd/-

(A.N.VUJJANARADHYA)
MEMBER (J)

Sd/-

(V.RAMAKRISHNAN)
MEMBER (A)



TRUE COPY
Copy
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

10/6/94