

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 454/97

Date of Decision: 8.12.97.

Shri P.P. Vishwanathan

Applicant.

Shri A.M. Joshi.

Advocate for  
Applicant.

Versus

Union of India and others.

Respondent(s)

Shri R.K. Shetty.

Advocate for  
Respondent(s)

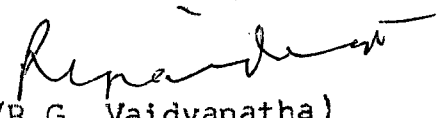
CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri. P.P. Srivastava, Member (A)

(1) To be referred to the Reporter or not? *no*

(2) Whether it needs to be circulated to other Benches of the Tribunal? *no*

  
(R.G. Vaidyanatha)  
Vice Chairman.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH 'GULESTAN' BUILDING NO:6  
PRESCOT ROAD, MUMBAI:1

Original Application No. 454/97.

Monday the 8th day of December 1997.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri P.P. Srivastava, Member (A)

Parianjerry Parrikkal Vishwanathan  
Residing at 640/3 Sarvatra Nagar,  
Dehu Road, Dist. Thane.

... Applicant.

By Advocate Shri A.M. Joshi.

V/s.

Union of India  
The Secretary to the  
Government of India,  
Ministry of Defence,  
New Delhi.

The Officer-in-Charge,  
Army Ordnance Corps Records,  
Post Box No. 03  
Trimulgherry PO  
Secunderabad.

The Director General of  
Ordnance Services,  
Directorate of General of  
Ordnance Services,  
Master General of Ordnance  
Branch, Army Headquarters,  
DHQ, PO New Delhi.

The Major General Army Ordnance  
Corps, Headquarters,  
Southern Command,  
Pune.

... Respondents.

By Advocate Shri R.K. Shetty.

O R D E R (ORAL)

¶ Per Shri Justice R.G.Vaidyanatha, Vice Chairman ¶

This is an application by which the  
applicant has challenged the order of reversion  
dated 18.2.97. The respondents have filed the  
reply opposing the O.A. Heard both the sides.

...2...



In our view, challenging the reversion order has no merit. The order of reversion is based on the ground that the applicant did not have qualifying service of 5 years regular service in the post of stenographer Grade II, <sup>5y</sup> who was wrongly promoted to Stenographer Grade I. The department after issue of show cause notice to the applicant and after receiving the representation of the applicant has passed the impugned order dated 18.2.97, rejected applicant's contention and ordered reversion to the previous post as Stenographer Grade II. After hearing the learned counsel for the applicant and the respondents we do not find any illegality in the order of reversion which is passed only on the ground that the applicant did not have the minimum qualifying service for promotion.

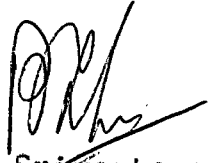
2. The learned counsel for the applicant claims that the applicant is entitled to seniority in Stenographer Grade II over Shri Gandotra in view of his going on deputation to another post. Admittedly the applicant was junior to Shri Gandotra. It may be for sometime Shri Gandotra had gone on deputation to different post. Whether by virtue of this the applicant can claim seniority over Shri Gandotra for the purpose of promotion? For want of sufficient pleadings and in the absence of Shri Gandotra the question cannot be decided. It is open to the applicant to make suitable representation to the Competent Authority.


The learned counsel for the applicant also submitted that in case the applicant is reverted, the department may recover the higher salary drawn by him in the promotional post. Since the applicant

had already worked in the promotional post, the question of any recovery of excess payment made to the applicant in the promotional post does not arise.

3. Another submission made on behalf of the applicant is that as per the reversion order the applicant is now posted to C.O.D. Agra. The request of the applicant is that he can be accommodated at C.A.F.V.D. Kirkee. In our view, we cannot go <sup>into</sup> to this question. However, the applicant may make a representation to the Competent Authority and we expect ~~that~~ the department to consider the request sympathetically and according to the Rules.

4. In the result, the O.A. is rejected at the admission stage itself. No costs. Interim relief already granted stands vacated.

  
(P.P. Srivastava)  
Member (A)

  
(R.G. Vaidyanatha)  
Vice Chairman.

NS