

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

J A I P U R .

T.A. 2342/86

Date of Decision: 13.8.92

BHANWAR LAL : Applicant

Mr. J.K. Kaushik : Counsel for the Applicant.

VERSUS

Union of India & Others : Respondents

Mr. G.P. Soral : Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. B.B. Mahajan, Administrative Member

PER HON'BLE MR. B.B. MAHAJAN, ADMINISTRATIVE MEMBER.

1. Bhanwar Lal had filed a suit in the Court of Munsif Magistrate, Kota against his reversion from the post of Inspector of Works in the grade of Rs. 425-700. The suit has been transferred to this Tribunal U/S 29 of the Administrative Tribunals Act, 1985.

2. The applicant had been promoted as IOW on ad-hoc basis in the grade of Rs. 425-700 vide Order dated 10.1.80 (R-1). His name had also been included in the provisional panel for promotion to the post, on the basis of selection vide order dated 3.12.84 (Annexure R-7). However, subsequently, vide impugned order dated 12.4.85 (Annexure R-8), he was reverted to the post of SOM in the scale of Rs. 380-560, on the appointment of Apprentice IOWs who had passed in final examination of this post of IOW in the scale of Rs. 425-700.

3. We have heard the counsel for the parties. Since the applicant had continued as IOW in the grade of Rs. 425-700 for over five years on ad-hoc basis and had also passed the selection test, he had acquired the right to hold the post. No notice has been issued to him before the impugned order of reversion from the post was passed. It has also not been stated in the reply that the post which the applicant was holding was in the quota for direct recruits and no vacancy in the quota for promotees was available. On a quer

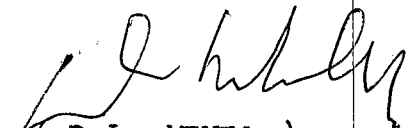
the learned counsel for the respondents could not show anything from the record that the post held by the applicant was in the direct recruitment quota and no post in the promotion quota was available. In the circumstances, the order of reversion was totally unjustified.

4. We accordingly allowed this T.A. and quash the impugned order in so far as the reversion of the applicant is concerned. The learned counsel for the applicant has stated that the applicant has already retired. He shall be paid all the consequential benefits from the date of reversion till the date of his superannuation, within four months of this order and he shall also be entitled to pensionary benefits on the basis of pay he would be entitled to on the date of superannuation as a result of the quashing of the reversion order. Arrears on this account shall also be paid within 6 months of this order.

Parties to bear their own costs.



(B.B. MAHAJAN)
Administrative Member



(D.L. MEHTA)
Vice-Chairman