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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH AT : HYDERABAD

O.A. No.602/89

Date of Order:9th July, '90

BETWEEN

B. Yadagiri Reddy

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Applicant

Versus

The Director,
Advanced Training Institute,
Vidyanagar,
Hyderabad - 7.

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Respondents

APPEARANCE

For the Applicant : Mr. D. Linga Rao, Advocate

For the Respondents : Mr. E. Madan Mohan Rao, Addl.
Standing Counsel for Respondents

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THE HON'BLE SHRI B.N. JAYASIMHA, VICE CHAIRMAN

THE HON'BLE SHRI D. SURYA RAO, MEMBER (JUDICIAL)

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(Judgement of the Bench delivered by Hon'ble Shri D.Surya Rao)
Member (Judicial)

The applicant herein is a Chowkidar in the respondent's organisation since 1977. He has filed this application questioning the order No.A/32016/2/83-Estt.1/608 dt.4.8.89 reverting the applicant from the post of Driver to that of Chowkidar on the ground that he was not having requisite qualification.

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2. The applicant states that he was originally appointed as Chowkidar in 1977. He possess^s the Driving Licence in Light Commercial Vehicle and also Heavy Commercial Vehicle. Because of these qualifications he was promoted as Driver by an office order dated 28.9.87. The same was also extended for a period of six months or till such time, the posts are filled on regular basis on recommendation of DPC. Later the DPC met on 30.12.'88 and the applicant was selected. The order however stated that he was appointed for a period of further six months or till such time, the ^{appointment of} recruitment rules in regard to Purchase Asst. / Heavy Vehicle Driver is received. The applicant further states that there are no recruitment rules with regard to the said post of driver and the reversion of the applicant is therefore improper.

3. The respondents in their counter stated that the applicant possess^s the Driving Licence in Light Commercial Vehicle and also Heavy Commercial Vehicle and he was promoted as Driver by virtue of Office order dt.28.9.1987. The promotion was only on ad hoc basis and the said order stipulates that the said promotion/ appointment was purely on ad hoc basis for six months or till the post is filled on regular basis etc., The DPC which met on 30.12.'88 had recommended the promotion of the applicant on ad hoc basis only and not on regular basis. According to the recruitment rules, the essential qualification required is that a candidate must possess 5 years experience in Driving. The applicant does not possess 5 years experience. Hence, he was reverted.

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It is further stated that even for the ad hoc appointment also the department ought to have followed the Recruitment Rules. For these reasons the respondents state that the O.A. is liable to be dismissed.

4. We have heard Shri D. Linga Rao, Counsel for the applicant and Shri E. Madan Mohan Rao, Learned Counsel for the Respondents. The contention of the applicant that there are no recruitment rules and therefore the reversion is bad, is without merit. According to the recruitment rules, 5 years experience in driving is prescribed for the post of driver. The applicant does not possess the required qualification. In the circumstances we see no merit in the application, and accordingly it is dismissed. No order as to costs.

Dictated in the open Court

B.N.Jayasimha
(B.N. JAYASIMHA)
VICE CHAIRMAN

D. Surya Rao
(D. SURYA RAO)
MEMBER (JUDICIAL)

Dt. 9th July, 1990

Deputy Registrar (JUDL)

To Mvs

1. The Director, Advanced Training Institute, Vidyanagar, Hyderabad - 7
2. One copy to Mr. D. Linga Rao, Advocate 1-1-258/10/C, Chikkadapally, Hyderabad.
3. One copy to Mr. E. Madanmohan Rao, Addl. CGSC, CAT. Hyd. Bench.
4. One spare copy.

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18/7/90