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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. No. 888/92

Date of Order: 23.1.95

BETWEEN :

Miss. Santa Maria Xavier

.. Applicant.

A N D

1. The Director General, Indian
Council Agricultural Research
New Delhi - 110 001.

2. The Director, Central Research
Institute for Dry Land Agriculture,
Santosnagar, Hyderabad.

3. The Senior Administrative Officer,
CIDA, Santoshnagar, Hyderabad.

.. Respondents.



Counsel for the Applicant

.. Mr. K.S.R. Anjaneyulu

Counsel for the Respondents

.. Mr. N.R. Devraj

CORAM:

HON'BLE SHRI A.V. HARIIDASAN : MEMBER (ADMN.)

HON'BLE SHRI A.B. GOKTHI : MEMBER (ADMN.)

X As per Hon'ble Shri A.B.Gorthi, Member (Admn.) X

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The applicant who was working as a substantive Stenographer in the Central Research Institute for Dry Land Agriculture (CRIDA), Hyderabad, was reverted to the lower grade of Junior Stenographer vide office order dt. 9.9.92. The order further states that the reversion would be effective from 1.4.90 and that pay and allowances drawn for the period from 1.4.90 to 8.9.92 would be regulated on the basis of Council's decision. Aggrieved by the same, the applicant, in this OA has sought relief for setting aside the impugned order and for a direction to the respondents to continue her as a substantive Stenographer.

2. The applicant was initially appointed as a Junior Stenographer in the scale of pay of Rs.330-560 w.e.f. 2.11.76. The applicant continued in the said post till she was given substantive status w.e.f. 1.1.80 as per the recommendations of a duly constituted DPC. Further the applicant was appointed in the higher post of Stenographer in the ~~higher post of Stenographer~~ in the scale of pay of Rs.425-700 w.e.f. 27.9.86 on the recommendations of DPC. Vide memo dt. 30.3.90 the applicant was declared to have successfully completed her probation, was recommended by the DPC. Notwithstanding the afore-stated, the respondents vide impugned memo dt. 9.9.92 ordered her reversion to the lower post of Junior Stenographer retrospectively w.e.f. 1.4.90.

3. The respondents in their reply affidavit have stated that the applicant was appointed as a Junior

Stenographer against a vacancy that became available on account of a World Bank associated Pilot Project for Water-shed Development in rainfed areas. Later a post of Stenographer in the grade of Rs.425-700 also became available and the applicant was admittedly given that post w.e.f. 24.9.86. In the said order of promotion it was made clear that in the event of closure of the World Bank Pilot Project, she ^{would be} ~~was~~ reverted to the lower post of Junior Stenographer. The main contention of the respondents thus is that so long as the post of Stenographer was available in the respondents' organisation the applicant was allowed to work against the said post and it was entirely ~~having become~~ on the post ^{and when} ~~non~~ available due to the conclusion of the World Bank Project.

4. Heard learned counsel for both the parties. There can be no dispute that if the post of Stenographer to which the applicant was promoted had to be abolished for administrative reasons, the reversion of the applicant to the lower post cannot be assailed, particularly so when none junior to her was retained as Stenographer ^{and when} in the order of promotion itself, as already noted, it was specified that in the event of closure of World Bank Pilot Project she would have to be reverted to the lower post of Junior Stenographer.

5. Mr. K.S.K. Anjaneyulu, learned counsel for the applicant states, on instruction, that on account of ^{one} Stenographer of CRIDA ^{having} ~~gone~~ on deputation, there is at present a vacancy in the post of Stenographer and that the applicant being the senior most among the Junior Stenographers is entitled to be promoted in the said vacancy. Mr. N.R. Devraj, learned standing counsel for the respondents states that in case

there is a clear vacancy the applicant would be considered for promotion against the same in accordance with the extant rules.

6. Mr. K.S.R. Anjaneyulu submits that the applicant has to be promoted in the vacancy that is existing and if no such vacancy is existing in the vacancy that may immediately come up in the future. He further contends that on such promotion the applicant should not once again be put on probation because the applicant had, admittedly, successfully completed her probation as a Stenographer prior to her being given substantive status in the post of Stenographer. There is considerable merit in the submission made by the applicant's counsel.

7. In view of the above this OA is allowed with the following directions to the respondents:-

- (1) In case there is a vacancy in the post of Stenographer available presently the applicant will be promoted against the said post as per extant rules.
- (2) If no vacancy is available at present her case for promotion to the post of Stenographer will be considered in the vacancy that will be available in the immediate future itself in accordance with the rules.
- (3) On such promotion to the post of Stenographer the applicant will be given substantive status from the date of such promotion and she will not be put on probation once again.
- (4) As admittedly the applicant had performed duties of Stenographer from 1.4.90 to 8.9.92 she will be entitled to pay and allowance in the grade of Stenographer and as such no recovery in this regard shall be effected by the respondents.

No order as to costs.

CERTIFIED TO BE TRUE COPY,

Swamy

Date..... 7/2/93

Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad