

(63)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..

O.A.No.1073/95.
- - - - -

Date of decision: 26th March, 1998.
--

Between:

1. K. Bhaskar Rao.
2. Ch. Balram.
3. Ch. Hemamalini.
4. S. Usha Rani. .. Applicants.

and

The Regional Director, Regional Office,
Employees' State Insurance Corporation,
5-9-23, Hill Fort Road, Hyderabad. Respondents.

Counsel for the applicants: Sri Y.Suryanarayana.

Counsel for the respondents: Sri N.R.Devaraj.

CORAM:

Hon'ble Sri R. Rangarajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J)

--

JUDGMENT.

(per Hon'ble Sri R. Rangarajan, Member (A)

--

None for the applicant. Sri N.R.Devaraj

for the respondents.

There are four applicants in this O.A.

They belong to reserved community viz., S.C/S.T.

They joined service as L.D.Cs., on 9.7.1986, 5.1.85,


24.3.1986 and 21.11.1984 respectively. They

Jr

were promoted to the category of U.D.Cs., on ad hoc basis on 3.12.1993, 6.7.1993, 1.9.1993 and 19.3.1993 respectively. It is stated that the feeder category for the post of U.D.C., was L.D.C., and for the ~~stenographer~~ post of P.A., etc., is the post of Stenographer "D". Earlier the stenographer had the channel of promotion to the posts and also U.D.Cs., i.e., clerical of Stenographer Grade "C", Grade "B" and Grade "A"/ cadre. At the time of bifurcation between the categories of Clerical and Stenographers an opportunity was given to the Stenographers as a one time measure to opt to the post of U.D.C., i.e., clerical cadre. Four stenographers opted to become U.D.Cs., and requested for posting them as U.D.Cs., When that request of the Stenographers had to be complied with, it was found that there were no vacant posts of U.D.Cs. Hence it necessitated to revert the four U.D.Cs. who are the applicants herein. Accordingly they were reverted by the Office Order No.381/95 in Pros., No.52.A/11/12/94-Estt.I dated 24.8.1995 (Annexure VIII to the O.A.)

This O.A. is filed to set aside the impugned Order No.381/95 in Pros. No.52.A/11/12/94.Estt.1

Jr



dated 24.8.1995 and for a consequential direction to the respondents to promote the applicants as Head Clerks on regular basis according to the Roster system and according to the Roster points earmarked for SC candidates with all consequential benefits.

The relief prayed for setting aside the reversion order probably will be a proper relief in this O.A., Considering the facts of this case, it is not understood why the applicants prayed for promotion to the higher grade/^{post}of Head Clerks on the basis of roster system. They have not stated how they are eligible for promotion to the higher post of Head Clerk, ^{also} They have not indicated how their case fall for consideration at this juncture, for promotion as Head Clerks against the reserved roster points. Hence we are of the opinion that this O.A., is to be restricted only for the relief to set aside the impugned order of reversion.

An interim order was passed in this O.A. on 13-9-1995. The direction given in the interim order reads as follows:

"The applicants have to be repromoted as UDCs., within two working days from the date of receipt of a copy of this Order. The question as to how the period from the date of reversion till

R A

the date of repromotion as per this Order has to be treated will be considered at the time of disposal of the O.A."

When the O.A., was taken up for hearing the learned counsel for the respondents submitted that the applicants were also promoted on 20-9-1995 within 25 days from the date of issuance of the impugned order dated 24.8.1995. Thus the applicants had not suffered anything except/for reversion ~~for about~~ ^{for about of} 26 days and monetary loss for those 26 days.

In the reply it is stated that the reversion was necessitated as there were no posts of U.D.Cs., available for accommodating ~~when~~ the Stenographers when they were ~~reverted~~ posted as U.D.Cs., as one time measure. It is further stated in the reply that ~~the reversion of the~~ ^{four officiating U.D.Cs.,} ~~junior most~~ who were working on adhoc basis and were ~~the~~ juniormost, were reverted irrespective of the fact whether they ~~belonged~~ ^{belong} ~~to~~ ^{-ed} to the reserve community or not. In this connection the learned counsel for the respondents drew our attention to ~~Circular~~ the Department of Personnel and A.R. O.M.No.36011/14/83-Estt(ST) dated 30th April, 1983. Para 5 of the said O.A., which is relevant reads as follows:

1

: 5 :

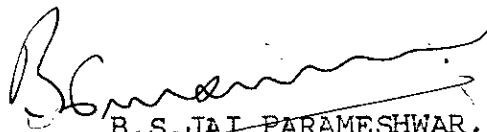
"All adhoc appointees have to be replaced by regular incumbents at the earliest opportunity. Accordingly, when regular promotions are made subsequently reversion of the adhoc appointees should take place strictly in the reverse order of seniority, the junior most candidate being reverted first. No special concessions are to be given to SC/ST candidate at the time of such reversion."

In view of the above, the reversion of the four applicants in this O.A., to the lower grade i.e., L.D.Cs., cadre cannot be challenged. It has been stated in the interim order that the question of treating the period of reversion will be decided at the time of disposal of the O.A. As the rule is clear, it is not possible for us to grant them U.D.C., scale for the period they were under reversion. However, in order to protect the interests of the applicants, the applicants, if so advised, may submit a detailed representation to the concerned Authority for granting them leave for the period they ^{has worked} ~~were~~ under reversion as L.D.Cs., even though ^{as} they worked as L.D.Cs., during the leave period, ^{as} the leave salary will be paid as per the last pay drawn particulars. If such a representation is received, the respondents shall grant them leave in accordance with the rules.

52

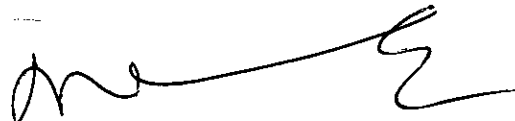
: 6 :

With the above observations, the O.A., is
dismissed. No costs.


B.S. JAI PARAMESHWAR,

Member (J)

26.3.98



R. RANGARAJAN,

Member (A)

Date: 26-3-1998.

Dictated in open Court.


D.R.

SSS•

MA. 1073/95

Copy to:-

1. The Regional Director, Regional Office, Employees' State Insurance Corporation, 5-9-23, Hill Fort Road, Hyderabad.
2. One copy to Mr. Y. Suryanarayana, Advocate, CAT., Hyd.
3. One copy to Mr. N.R. Deveraj, Sr. CGSC., CAT., Hyd.
4. One copy to D.R.(A), CAT., Hyd.
5. One duplicate copy.

srr

(3) 19/4/98

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

DATED: 26/3/98

ORDER/JUDGMENT

M.A./R.A./C.P. NO.

in

O.A. NO.

1073/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

