

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 1059 of 1996.

Date: September 9, 1996.

Between:

D.Venkataiah(SC) Applicant.

And

1. The Joint Director, O/O Director,
Census Operations, A.P., Posnet Bhavan,
Hyderabad 500 001.
2. Sri Y.G.Krishna Murty, Joint
Director, Census Operations,
Posnet Bhavan, Hyderabad 500 001.
3. The Registrar-General of India,
(representing Union of India)
2-A, Mann Singh Road, New Delhi 110 011.
4. Shri C.S.T.Prakash Babu. Respondents.

Counsel for the Applicant: Sri C.Suryanarayana.

Counsel for the Respondents: Sri N.V.Raghava Reddy,
Addl. Standing Counsel for
Respondents.

CORAM:

HON'BLE SHRI JUSTICE M.G.Chaudhari, Vice-Chairman.

HON'BLE SHRI H.RAJENDRA PRASAD, MEMBER (A)

--

O R D E R:

(PER HON'BLE SHRI JUSTICE, M.G.CHAUDHARI, VICE-CHAIRMAN.)

..

Hear Sri C.Suryanarayana for the applicant.

The applicant was appointed to the post of Lower
Division Clerk on ad hoc basis purely as a stop-gap arrange-
ment by an Order dated 30-12-1993. The terms and conditions
of the appointment made it clear that the adhoc appointment
will not ^{bestow} vest upon him any claim for regular appointment to

hcm

the post of L.D.C., and he was liable to be reverted as soon as the post was filled up on regular basis. It appears that 10 per cent/^{quota}ear-marked for regular promotion for Educationally qualified Group "D" employees to the Grades of L.D.C/A.C had been filled up on regular basis before the applicant was promoted on adhoc basis as L.D.C. One Sri C.S.T.Prakash Babu had been appointed as L.D.C., on compassionate grounds as per the Order of the Registrar General ^{and} for that purpose the applicant was reverted to his substantive post of Peon but at the same time he has been accommodated as Assistant Compiler on adhoc basis against the higher cadre vacant post. Thus instead of continuing as L.D.C. on adhoc basis, the applicant is presently holding the post of Assistant Compiler on adhoc basis. The above circumstance as can be seen from the Memorandum dated 15-7-1996 issued by the Government of India makes it difficult for us to appreciate as to what legal right of the applicant can be said to have been adversely affected either by appointment of Respondent No.4 to the post of L.D.C., on compassionate grounds or by promoting the applicant on adhoc basis as Assistant Compiler. As it is the applicant had not acquired any vested right in the post of L.D.C., as his appointment was purely adhoc and he was liable to be reverted to his substantive post of Peon whenever

hla

25

: 3 :


occasion arises, arose.

2. The grievance of the applicant, however, can be looked at from another point of view. It appears from his representation filed to the respondents dated 16-7-1992 that having regard to the length of service he has put in as L.D.C., even though on adhoc basis, he being belonged to the S.C. Community and the relaxations permissible under the orders of Government of India, he is entitled to be considered for promotion to the cadre of Assistant Compiler/L.D.C. It appears that ever since 1991--1992 till he was reverted he was not considered for regularisation in the post of L.D.C/A.C possibly ^{because} he had not acquired the requisite qualifications. But it is now stated by Mr. Suryanarayana, learned counsel for the applicant, that the applicant has acquired the eligibility criteria in 1991 itself. That however is a question to be independently agitated but and cannot be gone into on the frame of this O.A. to filed to challenge of the Order of reversion of the applicant and the order of appointment of Respondent No.4 as L.D.C. We make it clear therefore that ~~xxx~~ if the applicant has any grievance in accordance with law to claim promotion to the post of L.D.C/A.C. on regular basis ^{that} is not covered by this Order and it is left open to be pursued if the applicant is so advised. Subject to the above

hish

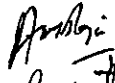
observations the O.A., is rejected. No costs.


H. RAJENDRA PRASAD,
MEMBER (A)


M.G. CHAUDHARI, J
VICE-CHAIRMAN.

Date: September 9, 1996.

Dictated in open Court.


Deputy Registrar (S) CC

SSS.

O.A.1059/96

To

1. The Joint Director,
O/o Director, Census Operations,
A.P.Posnet Bhavan, Hyderabad-1.
2. Sri Y.G.Krishna Murthy, Joint Director,
Census Operations, Posnet Bhavan
Hyderabad-1.
3. The Registrar-General of India,
Union of India, 2-A, Man Singh Road,
New Delhi-11.
4. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
5. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm.

0/10/96

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 9-9-1996

~~ORDER~~ / JUDGMENT

M.A/R.A./C.A. No.

in

O.A.No. 1059/96.

T.A.No.

(w.p.)

Admitted and Interim Directions

Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal