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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

O.A. 669/96

Date: 10.1.1997

Between:

B. Bhasker Reddy .. Applicant

And

1. The Director,  
S.V.P. National Police Academy,  
Hyderabad.

2. The Deputy Director (Admn.),  
S.V.P. National Police Academy,  
Hyderabad.

3. Assistant Director,  
SVP National Police Academy,  
Hyderabad.

4. Sri Ashar Ali,  
Head Constable (MT) Driver,  
SVP National Police Academy,  
Hyderabad.

.. Respondents

Mr. K. Ram Reddy .. Counsel for applicant

Mr. N.R. Devaraj, SCGSC .. Counsel for respondents

CORAM

HON'BLE MR. M.G. CHAUDHARI, VICE CHAIRMAN

HON'BLE MR. H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

O R D E R

Oral Order (per Hon'ble Mr. H. Rajendra Prasad, Member (A))

The applicant, Shri Bhaskar Reddy, was appointed as a temporary Constable in the S.V.P. National Police Academy on 31.10.79. He was confirmed as Constable, on 3.10.81 and was promoted as Head Constable/MT Driver on adhoc basis on 9.5.95. However, he was reverted to his substantive post of Constable on 8.3.96. According to the applicant, he submitted a representation to Respondent-1 on 13.3.96. It is stated by him that he had not received any reply until the filing of the O.A.

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2. The grievance of the applicant is that even though he had been working in the MT Section from the time of his initial appointment on the strength of his technical qualifications and familiarity with the nature of duties handled in the Section, he was reverted on the ground that he was the junior-most of Head Constables and that Respondent-4, Shri Asghar Ali, who does not hold any technical qualifications and who never worked in the MT Section, was promoted in his place. The applicant, therefore, prays for quashing of the the O.A.

3. The respondents in their counter affidavit submit that a reply was duly given to the applicant on his representation dated 12.3.96, a full month prior to the filing of this O.A. They proceed to explain the circumstances under which the reversion of the applicant had to be ordered. It is stated that in February, 1996, one Inspector of the Academy was reverted to the post of Sub Inspector which in turn resulted in the reversion of a Head Constable. Initially Respondent-4 was reverted on 8.2.96 since he was thought to be the junior-most Head Constable in the G.D. as well as M.T. Sections. However, on consideration of representation submitted by the said respondent the matter was reviewed and it was decided to withdraw the reversion order issued on Asghar Ali and a decision was taken to revert the applicant instead since he happened to be the junior-most official functioning as Head Constable on adhoc basis. It is mentioned here that whereas the applicant was promoted on adhoc basis on 9.5.95, Respondent-4 had been promoted earlier on the same basis on 7.9.94. Even at the initial stage, R-4 had been recruited earlier to the applicant.

4. It is further explained that, except for the Band Section, there is a common seniority list of all Head Constables

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in the Academy and that there is no separate Cadre or seniority list in respect of M.T. Section alone. The promotions and reversions are governed by the overall seniority of the concerned officials and not on the nature of duties performed by them. It is further explained that there is no separate cadre of Head Constable (MT) but any Constable with sufficient seniority and necessary driving-experience and other relevant qualifications is considered for promotion and deployed on MT duties. It is once again reiterated that even if an official is deployed in M.T. Section, he does not form a part of a separate M.T. Cadre. As such, the contention of the applicant that the Head Constable (MT) should be promoted only from within the ranks of Constables (MT) is untenable.

5. We have considered the facts of the case. It is seen that the applicant was junior to the 4th respondent at the time of initial entry as well as on adhoc promotion to Head Constable. That being the situation, one cannot see how the reversion of the applicant was incorrect in any manner. It was submitted by the respondents that a proposal to constitute a separate cadre for MT personnel, including Head Constables (MT), is under active consideration of the Government and it is possible that the said cadre, when sanctioned, will comprise of serving as well as future recruits with necessary experience and qualifications. If this proposal is eventually approved the technical qualifications and experience of the applicant in MT will be duly taken into consideration for the purpose of promotion against vacancies which will become available at the appropriate time.

6. Shri Ram Reddy, learned counsel for the applicant, drew our pointed attention that the respondents themselves have referred to the applicant as working in the capacity of helper in MT Section on the basis of technical qualifications,

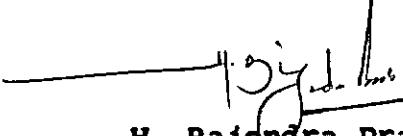
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and further that promotions to the post of Head Constable was made from out of the common seniority list of Constables based on their qualifications and experience in ~~MT~~, and finally that any Constable in the common seniority list who has the necessary qualification and experience for Driver is promoted on the basis of seniority-cum-fitness.

7. We have given our due attention to these averments in the counter. We are, nevertheless, not persuaded that these go contrary to the overall position explained by the Respondents. The applicant has not made out any case in support of his claim in face of the clearly stated position that there is no separate MT Cadre in the Academy and that all promotions/reversions are to be done on the basis of overall seniority of all Head Constables (except Band Section) alone.

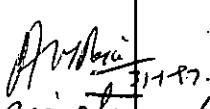
8. In the light of what has been brought out above, we are unable to concede the claims of the applicant, since the same is not based on sound reasons. The respondent-4 being the senior has better claims to the post. It is entirely upto the concerned authorities to entrust such duties—within or outside MT Section—which, in their opinion, R-4 is best suited to perform and expedient in the overall interests of the organisation.

9. We, therefore, reject the O.A. No costs.

  
H. Rajendra Prasad  
Member (Admve.)  
10 JAN 97

  
M.G. Chaudhari (J)  
Vice Chairman

10th January, 1997

  
Deputy Registrar (J) CC

O.A.669/96

To

1. The Director, S.V.P.National Police Academy,  
Hyderabad.
2. The Deputy Director (Admn.)  
S.V.P.National Police Academy, Hyderabad.
3. The Assistant Director, SVP National Police Academy,  
Hyderabad.
4. ~~Sri~~ Sri Ashar Ali, Head Constable (MT) Driver,  
SVP National Police Academy, Hyderabad.
5. One copy to Mr.K.Ram Reddy, Advocate, F-8-A, APHB Complex,  
Barkatpura, Hyderabad.
6. One copy to Mr.N.R.Devraj, Sr.CGSC..CAT.Hyd.
7. One copy to Library CAT.Hyd.
8. One spare copy.
9. One copy to Mr. N. R. Devraj, Sr. CGSC..CAT.Hyd (MIA)

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CHECHED 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  
MEMBER(ADMN)

Dated: (O- 1 -1997)

ORDER / JUDGMENT

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

in  
O.A.No. 669/96

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.

p.v.m.

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केन्द्रीय प्रशासनिक अधिकारण Central Administrative Tribunal
प्रेषण/DESPATCH
10 FEB 1997
हैदराबाद ब्यायफील HYDERABAD BENCH