

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 30.11.1993.

OA 569/93

LAXMAN RAM ... APPLICANT.

V/s.

UNION OF INDIA & ANR. ... RESPONDENTS.

CORAM:

HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI S.K. JAIN.

For the Respondents ... ---

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

Heard the learned counsel for the applicant. Laxman Ram, applicant, was appointed on temporary basis vide Annexure A-3 on the promotion post of Machinist Grade-I. Shri Munesh Kumar, who was reverted, was exonerated thereafter vide Annexure A-1 dated 8.9.93. Naturally, the junior-most temporary employee will have to be reverted to accommodate Shri Munesh Kumar, who is coming on his original post after exoneration. The learned counsel for the applicant referred before us a circular No.R.B's No.F(P)60-ER 1/2 dated 24.7.62. That is not applicable in the instant case. Firstly if a person has been permanently reverted then the directions are that at least for a period of one year the post should be kept vacant. The second part deals with how to appoint a person on that vacant post after one year and how to adjust the person who was punished but on account of the reduction in punishment for exoneration he is to be reappointed or he is to be reposted on the original post. In such circumstances

when there is no temporary employee or adhoc employee, the supernumerary post will have to be created. However, when there is an adhoc or temporary employee, the question of creation of supernumerary post does not arise. The applicant does not dispute this position that he is junior-most. In such circumstances, we do not find anything illegal in Annexure A-1.

2. The OA is rejected, with no order as to costs.

  
( O.P. SHARMA )  
MEMBER (A)

  
( D.L. MEHTA )  
VICE CHAIRMAN