
Date of Decision: 24.3.94

1. OA 37/94

OM PRAKASH BADAYA ... APPLICANT.

vs.

UNION OF INDIA & ANR. ... RESPONDENTS.

2. OA 133/94

MOHAR PAL MEENA ... APPLICANT.

Vs.

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

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

For the Applicants ... SHRI VIRENDRA LOCHA with
SHRI J.K. KAUSHIK.

For the Respondents ... SHRI U.D. SHARMA.

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

These applications u/s 19 of the Administrative Tribunals Act, 1985, by the applicants namely Om Prakash Badaya and Mohar Pal Meena, are directed against the impugned order dated 30.12.93 whereby they were reverted from the post of Computer to that of Assistant Compiler with effect from the afternoon of 31.12.93. Since common questions of law and facts are involved in these applications, these are being disposed of by common order.

2. We have heard the learned counsel for the parties and have gone through the records.


3. The applicants were promoted to the post of Computer on the recommendations of the Departmental Promotion Committee by order dated 20.8.90 (Annexure A-2). However, subsequently by order dated 30.12.93 (Annexure A-1) they were reverted to the lower post of Assistant Compiler, the post from which they


Chyhan

had been promoted as Computer. The counsel for the parties agree that these matters are squarely covered by the decision dated 24.1.94 rendered by this Bench of the Tribunal in OA 13/94 and OA 26/94.

4. In the facts and circumstances of these cases, these applications are disposed of with the following directions at the admission stage as agreed to by the counsel for the parties;

- i) The benefit of the provisions of para 4(C)(ii) of the Office Memorandum dated 28.3.88 shall be extended to the applicants and they shall be treated as having been confirmed as Computers.
- ii) The respondents shall carry out a review of the number of permanent posts of Computers required by them taking into account the claims of those who have already completed their probation period satisfactorily and had been duly selected through the Departmental Promotion Committee. After such a review, formal orders notifying the strength of various cadres shall be issued. In case retrenchment of some of the confirmed employees becomes necessary they will be given an option either to accept reversion to the lower post or to get deployed to the surplus cell. Till such time such a review is carried out and necessary orders are passed they shall not be reverted from their present post.
- iii) There shall be no order as to costs.


(O.P. SHARMA)
MEMBER (A)


(GOPAL KRISHNA)
MEMBER (J)