

(B)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.196/97

Date of order: 28/1/2000

Sohan Lal Choudhary, S/o Shri Birbal Ram, R/o Takhrawali,
PO Koyalawali, Teh.Sardar Sahar, Distt.Sriganganagar.

...Applicant.

Vs.

1. Director General, Employees State Insurance Corporation,
Kotla Road, New Delhi.
2. The Regional Director, Employees State Insurance
Corporation, Panchdeep Bhawan, Bhawani Singh Road, Jaipur.

...Respondents.

Mr.Man Singh Gupta) - Counsel for the applicant

Mr.Surendra Singh)

Mr.U.D.Sharma - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

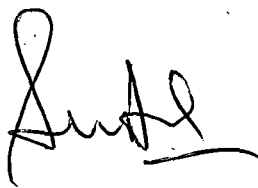
Hon'ble Mr.N.P.Nawani, Administrative Member.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

The applicant has filed this Original Application under Sec.19 of the Administrative Tribunals Act, 1985, challenging the impugned order dated 25.3.97 by which the applicant was reverted from the post of L.D.C to the post of Record Sorter on the ground that the qualification of Prathma Examination passed by the applicant was not considered equivalent to Matriculation.

2. Facts of the case as stated by the applicant are that the applicant was appointed as Class IV employee on 13.5.81. He was placed on probation for 2 years and thereafter he was promoted on the post of Record Sorter vide order dated 6.2.85. It is stated that the applicant passed Prathma Examination of Hindi Sahitya Sammelan, Allahabad, in the year 1984. On the basis of the said qualification the applicant was promoted to the post of LDC on ad hoc basis vide order dated 5.5.93. It is further stated that the applicant was reverted on the basis of Memorandum dated 8.10.96 vide impugned order dated 25.3.97 from the post of LDC to the post of Record Sorter, which was wholly unjustified, improper and in violation of principles of natural justice. Therefore, the applicant filed this O.A for the relief as mentioned above.

3. Reply was filed. It is stated in the reply that Group-D employees having passed Matriculation or equivalent examination with 5 years of service were considered for promotion to the post of LDC against 10% quota. The applicant having passed Prathma Examination, was also given promotion on the assumption that Prathma Examination was equivalent to Matriculation. But



subsequently it has come to the light that Prathma Examination of Hindi Sahitya Sammellan, Allahabad, was not equivalent to Matriculation but was merely indicative of matriculation standard of Hindi. Therefore, the applicant was reverted from the post of LDC to Record Sorter and the applicant has no case for interference by this Tribunal.

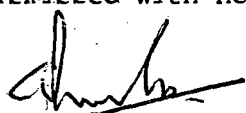
4. Heard the learned counsel for the parties and also perused the whole record.

5. The learned counsel for the respondents during the course of his arguments has submitted that this case is squarely covered by the order passed in O.A No.126/97, K.C.Bhatt Vs. UOI & Ors, decided on 9.4.99. The learned counsel for the applicant did not controvert the same.

6. We have considered the order dated 9.4.99 passed by this Tribunal in O.A No.126/97, K.C.Bhatt Vs. UOI & Ors, and after looking the facts and circumstances of this case, we are of the considered opinion that this case is squarely covered by O.A No.126/97, K.C.Bhatt Vs. UOI & Ors, decided on 9.4.99. Therefore, in view of the decision given in the aforesaid O.A, we are of the opinion that Memorandum dated 8.10.96 and order of reversion dated 25.3.97 are not liable to be quashed.

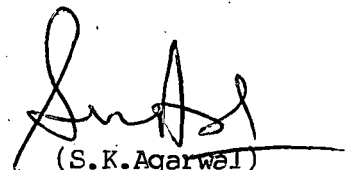
7. The contention of the learned counsel for the applicant that Memorandum dated 8.10.96 was not issued by the competent authority does not hold good. In the same way the contention of the applicant that he fulfills the requisite qualification for promotion on the post of LDC is not tenable, in view of letter dated 13.11.97 issued by the Hindi Sahitya Sammellan Allahabad.

8. In the result, we find no merit in this O.A and it stands dismissed with no order as to costs.



(N.P.Nawani)

Member (A).



(S.K.Agarwal)

Member (J).