

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 3.1.2001

OA 332/98

Hari Om Gupta, Divisional Engineer (Planning) at Sriganganagar.

... applicant

V/s

1. Union of India through Secretary, Ministry of Telecommunications, Sanchar Bhawan, New Delhi.
2. Chief General Manager, Telecommunications, Rajasthan Circle, Jaipur.
3. Asstt. General Manager (Adm) O/o Chief General Manager, Telecommunications, Rajasthan Circle, Jaipur.

... Respondents

CORAM:

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

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.P.P.Mathur, proxy counsel
for Mr.R.N.Mathur

For the Respondents

... Mr.Hemant Gupta, proxy counsel
for Mr.M.Rafiq

O R D E R

PER HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

In this application u/s 19 of the Administrative Tribunals Act, 1985, applicant Hari Om Gupta has prayed for setting aside the impugned order dated 17.9.98 (Annexure A/1) and for a direction to the respondents not to revert the applicant from the post of Divisional Engineer (Planning) on the basis of inquiry in question till the regularly selected candidate is available and also not to consider the inquiry pending against the applicant for a long time.

2. Applicant's case is that he was holding substantively the post of SDO under TES Group-B Services and he was entitled

Gopal Singh

to get promotion directly in the Senior Time Scale of Indian Telecom Services Group-A. Since there were number of vacancies and no regular selection was being made, the applicant was given promotion on temporary basis to the post of Divisional Engineer vide respondents' order dated 14.5.97. Promotion ~~on~~ the post of Divisional Engineer was continued till 17.9.98 with artificial breaks. On 17.9.98 the applicant was reverted to the post of SDO in TES Group-B on the ground that a disciplinary case was contemplated against him. Simultaneously, on 21.9.98 the applicant was served with a charge-sheet under Rule-14 of the CCS (CCA) Rules, 1965. Contention of the applicant is that he was continued on the promotion post of Divisional Engineer for more than a year, though on ad hoc basis, he should not have been reverted with the initiation of departmental proceedings against him, hence this application.

3. Notices were issued to the respondents and they have filed their reply.

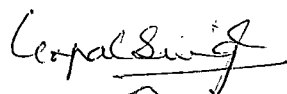
4. We have heard the learned counsel for the parties and perused the records of the case.

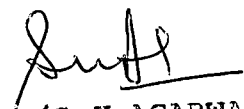
5. Learned counsel for the parties agree that the case is squarely covered by our order dated 9.11.2000, in OA 320/98. In that case the applicant therein was holding the post of Accounts Officer and was promoted as Senior Accounts Officer on ad hoc basis and had continued on that post for more than a year. In terms of Government of India, Department of Personnel & Training, OM dated 24.12.86 where the appointment was required to be made on ad hoc basis purely for administrative reasons (other than against a short-term vacancy or a leave

(Impaled)

vacancy) and the Government servant has held the appointment for more than one year, if any disciplinary proceeding is initiated against the Government servant, he need not be reverted to the post held by him only on the ground that disciplinary proceeding has been initiated against him. In the light of Government of India O.M. (supra) the impugned order reverting the applicant therein was quashed and the applicant was allowed to continue to hold the post of Senior Accounts Officer till a regularly selected candidate is appointed on the post.

6. For detailed reasons recorded in the order dated 9.11.2000, passed in OA 320/98, we allow this application setting aside the impugned order dated 17.9.98 (Annexure A/1). The applicant would be entitled to continue on the post of Divisional Engineer till a regularly selected candidate is appointed on the post. No order as to costs.


(GOPAL SINGH)
MEMBER (A)


(S.K. AGARWAL)
MEMBER (J)