

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER : 02.04.2002

OA 453/2000

Smt. Shanta Chauhan wife of Late Shri Dinesh Chauhan, by cast Rajput Aged about 39 years Resident of F-214, presently working as T.A. in the office of Central Telegraph Office, Jaipur.

....Applicant.

VERSUS

1. Union of India through the Secretary to the Government of India, Department of Telecommunication, Sanchar Bhawan, New Delhi.
2. Chief General Manager, Telecom, Rajasthan Circle, Jaipur.
3. Principal General Manager, Telecom District, Jaipur.

....Respondents.

Mr. P.N. Jatti, Counsel for the applicant.

Mr. Sanjay pareek, Counsel for the respondents.

CORAM

Hon'ble Mr. Gopal Singh, Member (Administrative)

Hon'ble Mr. J.K. Kaushik, Member (Judicial)

ORDER

PER HON'BLE MR. J.K. KAUSHIK, MEMBER (JUDICIAL)



Applicant has filed this OA u/s 19 of the Administrative Tribunal's Act against the order dated 14/15.3.2000 by which she was ordered to be reverted from Sr. TAO(TG) Cadre to the cadre of TAO(TG) for the reasons that she did not qualify the confirmation examination. The brief facts of the case as per the applicant are that she was appointed as Sr. TAO (TG) w.e.f. 1.10.95 in the pay scale of Rs. 1320-2040 on regular basis vide letter dated 8.10.1996 (Annexure A/2). This appointment was given after she underwent the requisite training successfully. While she was working successfully, she was ordered to be reverted to the cadre of TAO(TG) vide impugned order dated 14/15.3.2000. Hence this application.

2. OA was admitted on 27.9.2000 and the show cause notices of admission were issued to the respondents for filing the reply. Further an interim order was also issued to maintain the status quo, which has been continued from time to time. The respondents have filed the detailed reply and have controverted the facts and grounds pleaded in the OA. The respondents have submitted that the applicant was initially appointed as Telegraph Assistant on compassionate grounds in the pay scale of Rs. 975-1660. She was required to pass the prescribed confirmation examination within a period of four years but she did not comply with the condition. Passing the confirmation examination is one of the condition for confirmation in as much as it has been prescribed that period of probation would be four years for passing the confirmation. Further, it has been provided that failure to pass the confirmation examination in eight chances within four years, will result in stoppage of their increments until they pass the examination. In the



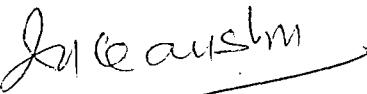
present case, it has been averred that applicant did not pass the confirmation examination and due to mistake she was allowed the promotion to the Sr. TAO(TG) and when it came to the notice that her promotion to the post of Sr. TAO(TG) was de-here the rules, the impugned order was passed in pursuance of the instructions issued by the higher officers. There was no irregularity in the impugned order and the OA deserves to be dismissed. The applicant has also filed rejoinder to the reply and have reiterated the various grounds taken in the OA.

3. We have heard the learned counsel for the parties and have examined the records of the case. During the course of arguments, the learned counsel for the respondents has submitted a copy of order dated 01.02.2002 vide which applicant has been confirmed on the post of TAO(TG) since she has subsequently passed the confirmation examination. With this order, the contention of the respondents that the applicant did not pass the confirmation and not holding the post of TAO (TG) on regular basis, goes away and the case of the applicant for appointment/promotion to the post of Sr. TAOT(TG) can now be dealt with as per the rules in force. With the subsequent development, the OA has also become infructuous. Further it would be in the fitness of things that the applicant is given liberty to agitate against order dated 1.2.2002 (supra) or any order consequence thereto passed by the respondents and if the applicant is so advised.

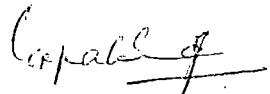
4. In view of the above discussion, we pass the order as under :

A handwritten signature in black ink, appearing to be 'Sh' followed by a stylized line.

The OA is disposed of as having become infructuous in view of the order dated 1.2.2002 with the liberty to file a fresh OA, if applicant is aggrieved by the aforesaid order.


(J.K. KAUSHIK)

MEMBER (J)


(GOPAL SINGH)

MEMBER (A)