

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER: 02.04.2002

OA 476/2000

Smt. Mithleshwari wife of Shri A.B. Singh by caste Rajpur aged about 38 years, resident of B-24, Jamuna Nagar, Ajmer Road, Sodala, presently working as T.A. in the Central Telegraph Office, Jaipur.

....Applicant.

VERSUS

1. Union of India through the Secretary to the Government of India, Department of Communication, Sanchar Bhawan, Sansad Marg, New Delhi.
2. Chief General Manager, Telecom Rajasthan Circle, Jaipur.
3. Principal General Manager, Telecom, Jaipur District, M.I. Road, Jaipur.
4. Sub Divisional Engineer (General), Central Telegraph Office, Jaipur.

....Respondents.

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

Mr. Pankaj Sharma, Proxy counsel for Mr. Manu Bhargava, 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 Telegraph Assistant. She was also appointed as Sr. TAO (TG) w.e.f. 24.12.1998 in the pay scale of Rs. 4000-6000 on regular basis. 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 heard on admission on 19.10.2000 and the show cause notices for admission were issued to the respondents for filing the reply. Further an interim order was also issued ~~to~~ directing the respondents not to make any recovery from the applicant for the period 24.12.1998 to 14/15.3.2000 till the next date, 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-hore 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.

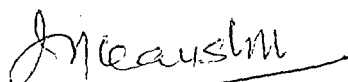
3. We have heard the learned counsel for the parties and have examined the records of the case. During the course of arguments, the learned counsel for the respondents has submitted a copy of order dated 01.02.2002 vide which applicant has been confirmed on the post of TAO(TG) since she has subsequently 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. TAO(TG) can now be dealt with as per the rules in force. With the subsequent



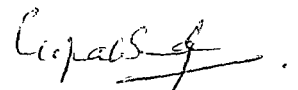
development, the OA has also become infructuous. Further it would be in the fitness of things that the applicant is given liberty to agitate against order dated 1.2.2002 (supra) or any order consequence thereto passed by the respondents and if the applicant is so advised.

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

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)