

Central Administrative Tribunal  
Jabalpur Bench

OA No.1058/04

Gwalior, this the 13<sup>th</sup> day of September, 2005.

C O R A M

Hon'ble Mr. M.P.Singh, Vice Chairman  
Hon'ble Mr. Madan Mohan, Judicial Member

H.M.Sahu  
S/o Shri Sukh Lal Sahu  
Peon, Office of Assistant Labour Commissioner  
Shahdol.

Applicant

(By advocate Shri S.K.Nagpal)

Versus

1. Union of India through  
Secretary  
Ministry of Labour  
New Delhi.
2. Chief Labour Commissioner  
Shram Shakti Bhawan  
Rafi Marg  
New Delhi.
3. Regional Labour Commissioner ©  
Jabalpur.
4. Assistant Labour Commissioner ©  
Shahdol.

Respondents.

(By advocate Shri S.P.Singh)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant has claimed the following reliefs:

- (i) Quash the impugned order dated 27<sup>th</sup> September 004 (Annexure A1).
- (ii) Direct the respondents to continue the promotion of the applicant as LDC till vacant post is available.



(iii) Direct that if the applicant is to be reverted due to non-availability of vacant post, he should be adjusted against his original post in the office of ALC © Shahdol.

2. The brief facts of the case are that the applicant was appointed as Peon under respondents with effect from 2<sup>nd</sup> July 1992 and posted in the office of LEO © Indore. The Regional Labour Commissioner (Central) Jabalpur issued a circular Annexure A2 for holding examination of Group-D employees for maintaining a panel of suitable employees for temporary adhoc promotion to the post of LDC. The applicant submitted an application dated 16.9.2003 (Annexure A3), appeared in the examination and was selected. Vide order-dated 5.1.2004, the applicant was promoted as LDC on adhoc basis for a period of six months and was transferred and posted in the office of ALC © Bhopal. Vide order dated 3<sup>rd</sup> June 2004; he was transferred from Bhopal to Shahdol and posted in the office of respondent No.4. By order dated 9<sup>th</sup> July, 2004, the adhoc promotion of the applicant as LDC was extended up to 30.9.2004. He submitted a representation dated 17.9.2004 to RLC Jabalpur for extension of his adhoc promotion. By impugned order dated 27.9.2004 (Annexure A1) the applicant was informed by respondent No.4 that his request for extension of adhoc promotion has been rejected by respondent No.3 and hence with effect from 1.10.2004 he has been reverted to the post of peon.

3. Heard learned counsel for the parties. It is argued on behalf of the applicant that the action of the respondents in reverting the applicant to the post of peon is unjustified as there are vacancies of LDC. The applicant has been subjected to frequent transfers in short span of time from Indore to Bhopal and Bhopal to Shahdol. He has accepted such transfers in view of his adhoc promotion to the post of UDC. The impugned order is liable to be quashed and set aside.

4. In reply, learned counsel for respondents argued that as per circular issued by the office of Regional Commissioner, Labour the applicant submitted his application for selection and after due



selection the applicant was promoted as LDC on adhoc basis by order dated 5.1.2004 for a period of 6 months. By the order dated 9.7.2004 issued by the office of the Regional Labour Commissioner, Jabalpur, the adhoc promotion of the applicant had been extended upto 30.9.2004. It was specifically mentioned in the order that no further extension will be considered beyond 30.9.2004. His temporary promotion automatically ended after 30.9.2004. The promotion of the applicant was purely on adhoc basis and only for a period of 6 months but due to exigency of work the said period was extended up to 30.9.2004. The action of the respondents is perfectly legal and justified.

5. After hearing learned counsel for both parties and perusing the records, we find that the applicant was appointed and promoted as LDC on adhoc and temporary basis for a period 6 months. This period was extended up to 30.9.2004. We have perused Annexure A5 which is an order about the promotion of the applicant as LDC on adhoc basis, in which it is clearly mentioned that the applicant is promoted as LDC on adhoc basis for a period of 6 months. The applicant has accepted the aforesaid order and he continued to work. We have perused the office order dated 9<sup>th</sup> July 2004 by which the period was extended up to 30.9.2004 and in this order it is specifically mentioned that no further extension will be considered beyond 30.9.2004. By the impugned order Annexure A1, the respondents have not extended the period of adhoc promotion of the applicant and in consequence of this order, the applicant is reverted to the post of Peon.

6. Considering all facts and circumstances of the case, we are of the considered opinion that the action of the respondents is perfectly legal and justified. So far as the request of the applicant that since he is a low paid employee serving in Group-D post, he should be adjusted against his original post in the office of ALC Shahdol is concerned, the respondents are directed to consider this request sympathetically.



7. The OA is disposed of as above. No costs.

(Madan Mohan)  
Judicial Member

aa.

*M.P. Singh*  
(M.P. Singh)  
Vice Chairman

कृष्णकन से ओ/न्या.....जबलपुर, दि.....

प्रतिलिपि अब्दे लिरा:-

- (1) सचिव, उच्च विधायालय वा : एस.सी.एस.न, जबलपुर
- (2) आवेदक श्री/श्रीमती/द्वा .....के काउंसल
- (3) प्रत्यार्थी श्री/श्रीमती/द्वा .....के काउंसल
- (4) विधायालय, दोपारा, जबलपुर व.पट्टनीठ

गुरुवा। एवं आवश्यक वार्तालाई हेतु

*Shri S. K. Nagpal H.C.J. No. 1*  
*Shri S. P. Singh H.C.J. No. 2*

उप रजिस्ट्रार

*21-9-05*

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