

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT CAMP, BILASPUR (CHHATTISGARH)

Original Application No.162 of 2001

Bilaspur, this the 26th day of September, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

S.S. Ampuri, aged about 54 years, son of late
Bajinath Ampuri, Occupation: Junior Telecom
Officer, O.F.C. Project Division, R.K. Nagar,
Telephone exchange, Bilaspur (M.P.), resident
of Village Tikafiya, post Samarkhapa,
District Mandla

- APPLICANT

(By Advocate - None)

VERSUS

1. Union of India through the Secretary,
Department of Telecom, Govt. of India, New Delhi.
 2. A.G.M. (Admn) through the Chief General Manager,
Project, Western Telecom, Phoenix house SB Marg
lower parel, Mumbai.
 3. Director Telecom Project, E.M.P. Katanga Colony,
Jabalpur.
 4. Chief General Manager, M.P. Telecom Circle, Bhopal.
 5. Divisional Engineer Telegraph, O.F.C. Project
Division, R.K. Nagar T/E, Bilaspur (M.P.)
- (By Advocate - Shri S.A. Dhamadhikari)

- RESPONDENTS

O R D E R (Oral)

Justice V.S. Aggarwal,

The applicant was promoted as Sub Divisional Engineer on 18.1.1999 along with certain persons. The order promoting the applicant and others reads as-

"In accordance with the Chief General Manager, Telecom Projects, Mumbai memo cited above, the CGM Projects Mumbai is pleased to promote locally the following JTOs to the cadre of TES Gr.B. on purely and adhoc basis for a period not exceeding 180 days and post them as SED to the stations shown against their names with effect from F/N of 13-01-99, or from the date of actual assuming the charge."

The said order had been repeated subsequently but vide the impugned order dated 10.2.2000 the applicant was reverted to the

Aggarwal

Contd....2/-

post of Junior Telecom Officer. The order of reversion is being reproduced below for the sake of facility-

"As per order No CGMP/MBI/STC-2021/V/53, Dated 07.02.2000 from the Chief General Manager, Western Telecom Project, Mumbai communicated by Director, Telecom Project, EMP Jabalpur vide Memo No.DTP/JBP/E-1/99-2000 Dated 08.02.2000 Shri S.S.Ampuri Officiating Sub Divisional Engineer is reverted to the post of Junior Telecom Officer with effect from 7.2.2000 Fore Noon. Now he will work as Junior Telecom Officer, OFC Project".

2. By virtue of the present application the applicant assails the said order and further seeks compensation for financial and mental torture. The applicant seeks reinstatement on officiating basis to the post of Sub Divisional Engineer.
3. In the reply filed the petition has been contested. The respondents plead that initially the applicant was ordered to officiate for 180 days. Thereafter again he was ordered to officiate for another 180 days from 12th July, 1999. The performance of the applicant was not up to the mark and was against public interest. He remained habitually absent without permission and sanction of the competent authority. Resultantly he was reverted.
4. The matter had been listed. There was no appearance on behalf of the applicant. In terms of Rules 15 & 16 of the Central Administrative Tribunal (Procedure) Rules, 1987 we deem it unnecessary to again adjourn the matter.
5. The above said facts, brief resume of which has been given above indicate that the promotion given to the applicant was an adhoc promotion. The applicant was promoted by way of local arrangement for 180 days.
6. In such like promotion, the applicant cannot claim that he could not be reverted. No right had been conferred on the applicant to the post of Sub Divisional Engineer and in that view of the matter that the applicant has been reverted by the impugned order. It cannot be termed that the said order suffers from the voice of arbitrariness or is illegal.
7. In fact the respondents learned counsel informed us

that subsequently the applicant has regularly been promoted as Sub Divisional Engineer. It is perhaps this fact that prompt the applicant not to appear today.

8. For these reasons the petition being without merit fails and is dismissed.

(Anand Kumar Bhatt)
Administrative Member

(V.S. Aggarwal)
Chairman

rkv.

पृष्ठान्त सं ओ/न्या.....जबलपुर, दि.....

पलिलिपि अये रिक्त :-

(1) सचिव, उच्च न्यायालय एवं एडमिनिस्ट्रेशन, जबलपुर

(2) अधिवक्ता जी/किरी/कु.....के कार्यालय S.S. Ampuri, mandla

(3) अधिवक्ता जी/किरी/कु.....के कार्यालय SA Phamallikar 'Acl'

(4) वंचकाल, केपअ, जबलपुर न्यायाधीश

सूचना एवं आवश्यक कार्यवाही हेतु

[Signature]
6/10/03

Final
7/10/03