

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CA No. 1095/2003

(3)

New Delhi this the 29th day of May, 2003

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri C.S.Chadha, Member (A)

Shri R.P.Prashar,
S/O Shri R.D.Sharma,
R/O D-379, Netaji Nagar,
New Delhi.

..Applicant

(By Advocate Shri S.S.Tiwari)

VERSUS

1. Govt. of NCT of Delhi through
Chief Secretary,
Govt. of NCT of Delhi,
New Secrett. near Indira Gandhi
Stadium, I.P.Estate, New Delhi.
2. Secretary,
Planning Department, Govt. of
NCT of Delhi, Level 5 'B'
Wing, Delhi Sachivalaya,
New Delhi.
3. Secretary (Medical),
Directorate of Family Welfare,
Govt. of NCT of Delhi,
Malkaganj, Delhi.
4. Director, Family Welfare,
Directorate of Family Welfare,
Govt. of NCT of Delhi,
Malkaganj, Delhi.

.Respondents

(By Advocate Shri Vijay Pandita)

O R D E R (CRAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)

Heard learned counsel for both the parties.

2. In this application, the applicant has impugned
Office Order No. 023/2003 dated 9.4.2003 and another order
passed by the respondents dated 21.4.2003.

3. Taking into account the facts and circumstances
of the case, Shri S.S.Tiwari, learned counsel has prayed
for an interim relief restraining the respondents from
reverting the applicant from the post of Research Officer
(RO), Group 'B' Gazetted in the higher pay scale of

BS

Rs.5500-9000 to the post of Statistical Assistant, Group 'C' in the pay scale of Rs. 5000-8000 with retrospective effect i.e. w.e.f. 4.11.2002 and further restraining the respondents from giving effect to the aforesaid impugned orders.

4. Shri Vijay Pandita, learned counsel for the respondents has submitted that the applicant was given an ad hoc appointment to the higher post of RO by order dated 14.5.2002 w.e.f 5.5.2002 for a period of 6 months i.e. upto 4.11.2002. The fact that, thereafter, they have not given any further extension, in our view, will not make any difference because it is not the case of the respondents that the applicant has not worked after 4.11.2002 on ad hoc basis in the higher post of RO, group 'B' gazetted in the pay scale of Rs.5500-9000.

5. It is seen from the above facts that the impugned orders are very much delayed and that the respondents have taken nearly five months after the expiry of the ad hoc period of service of the applicant in the higher post to issue them for which they alone have to be blamed. It is also not the case of the respondents that the applicant had in fact not discharged the function of the higher post of RO, group 'B'gazetted till the order dated 21.4.2003 was issued, relieving him from that post from a retrospective date.

6. In the above facts and circumstances of the case, the applicant cannot be held to have been relieved from the higher post of RO in the pay scale of Rs. 5500-9000 on ad hoc basis w.e.f. 4.11.2002 but that date will have to be read with the relieving order dated 21.4.2003. Accordingly, the impugned orders dated 9.4.2003 and 21.4.2003 are partly quashed

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and set aside and modified to the extent that the applicant shall stand relieved from the ad hoc post of RO group 'B' gazetted in the pay scale of Rs.5500-9000 w.e.f.21.4.2003.

7. In view of the above orders, Shri S.S.Tiwari, learned counsel submits that this OA has now become infructuous, with which we agree.

8. OA is disposed of in the above terms. No costs.

C.S.Chadha
(C.S.Chadha)
Member (A)

Lakshmi Swaminathan
(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

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