

Union Of India (Uoi) vs Jagdish Prasad on 2 December, 1981

Equivalent citations: AIR1982SC773, 1983(31)BLJR227, 1982LABLC441, (1982)1SCC421, 1982(2)SLJ7(SC), AIR 1982 SUPREME COURT 773, 1982 (1) SCC 421, 1982 LAB. I. C. 441, 1982 SCC (L&S) 108, (1982) 44 FACLR 270, (1982) 2 SERVLJ 7

Bench: P.N. Bhagwati, R.S. Pathak, E.S. Venkataramiah

JUDGMENT

1. There is nothing on the record to show that the appointment of the respondent in each of these three appeals was made on an officiating basis. The order dated 7th May, 1964 upgrading the four posts to those of Chief Ticket Inspector does not show that the upgrading was of a temporary character nor does that order promoting the respondent in each of the three appeals to the post of Chief Ticket Inspector show that the promotion was on an officiating basis. The learned Counsel appearing on behalf of the Union of India has also not been able to draw our attention to any rule which prescribes that the promotion of an employee to the post of Chief Ticket Inspector shall initially be on an officiating basis. He must, therefore, proceed on the basis that the promotion of the respondents in each of the three appeals to the post of Chief Ticket Inspector was on a permanent basis and if that be so the reversion of each of them must be held to be violative of Article 311 Clause (2) of the Constitution. This indeed was not disputed by the learned Counsel appearing on behalf of the Union of India. His attempt was only to show that promotion of each respondent was on an officiating basis but for reasons given above that attempt cannot succeed.

2. We accordingly dismiss each of the three appeals with costs.