

(2)

Central Administrative Tribunal, Principal Bench

Original Application No.1705 of 2002

New Delhi, this the 5th day of July, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. M.P.Singh, Member(A)

A.S.Gulati,  
(Retired Superintending Engineer,  
Department of Telecom)  
R/o 219, Pragati Apartments,  
Punjabi Bagh Club Road  
New Delhi-63

- Applicant

(By Advocate: Shri S.N. Anand)

Versus

1. Union of India through  
Secretary  
Ministry of Communications  
Department of Telecom  
Sanchar Bhawan,  
20, Ashoka Road,  
New Delhi-1

2. The Senior DDG(BW)  
Department of Telecom  
10th Floor, Chandrakoot Building  
Janpath,  
New Delhi

- Respondents

O R D E R (ORAL)

By Hon'ble Mr.M.P.Singh, Member(A)

The applicant was appointed as a Junior Engineer in 1961. Thereafter he was promoted as Executive Engineer on ad-hoc basis on 26.10.78. The applicant continued as such for 16 years and on 28.6.96, he was appointed as Superintending Engineer, again on ad-hoc basis, which post he continued to hold till his retirement on superannuation in July, 2000. Some of the colleagues and juniors who were also appointed on ad-hoc basis as Executive Engineer in 1978, filed OAs in different Benches of the Tribunal i.e. Bangalore Bench, Principal Bench and Jaipur Bench. Jaipur Bench of the Tribunal vide their judgement dated 18.4.2002 in OA No.245/96, directed the

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respondents to treat the ad-hoc service of the applicant as regular service and consider the applicant for further promotion on the basis of that regular service. Similarly, Principal Bench of the C.A.T. also granted the same relief in OA No.1689/2000 (D.K. Vijh vs. UOI & ors.).

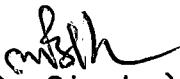
2. The contention of the applicant is that once the Tribunal has already granted the benefit of treating the ad-hoc service as regular service in the grade of Executive Engineer in the aforesaid OAs, the same benefits should be extended to him also. In support of his contention, he has relied upon the judgement of the Supreme Court in the case of Inder Pal Yadav & ors. vs. Union of India & ors. 1985 SCC (L&S) 525 wherein the Hon'ble Supreme Court has held that "those who could not come to the court need not be at a comparative disadvantage to those who rushed to this Court. If they are otherwise similarly situated, they are entitled to similar treatment."

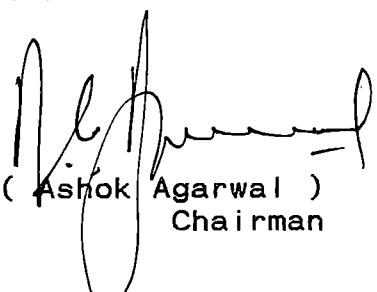
3. The applicant has filed a representation on 20.1.2002 (Annexure 'I') for extending the same benefit to him as already granted by the Tribunal in the aforesaid OAs, treating the ad-hoc service in the grade of Executive Engineer as regular service.

4. We feel that interests of justice will be duly met by disposing of this OA with a direction to the respondents to pass a detailed, speaking and reasoned order on the applicant's aforesaid representation in the light of

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the Supreme Court judgement in the case of Inder Pal Yadav (supra) within a period of two months from the date of receipt of a copy of this order. We direct accordingly. O.A. stands disposed of in the aforestated terms at the admission stage.

  
( M.P. Singh )  
Member(A)

  
( Ashok Agarwal )  
Chairman

/dkm/