

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1945/2014

Dated 02 day, the 06 day of 2020

PRESENT

Hon'ble Mr.P.Madhavan, Judicial Member

Hon'ble Mr.T.Jacob, Administrative Member

A.Selvam,

S/o.Arumugam,

No.4, Kamaray Street,

V.P.Singh Nagar, Shanmugapuram,

Puducherry 605 009.

... Applicant

By Advocate M/s.S.Devie

Vs

1.The Director,

Jawaharlal Institute of Post Graduation,

Medical Education and Research,

Puducherry 605 006.

... Respondent

By Advocate Mr.M.T.Aruman

(Order: Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

"To direct the respondent to regularize the service of the applicant as Assistant Accounts Officer w.e.f 13.04.2008, the date on which the applicant became eligible to the said post and as Accounts Officer w.e.f 13.04.2013 the date on which he became eligible to the said post and as Finance and Chief Accounts Officer w.e.f 13.04.2016 the date on which he became eligible to the said post with all monetary and consequential benefits arising thereof and to pass such orders or other orders as deemed fit by this Hon'ble Tribunal and thus render justice."

2. The facts leading to the case can be summarised as follows:

The applicant is working as Asst.Accounts Officer in the respondents institute. According to him, he was first appointed as L.D.C on 11-2-1995. He was promoted as head clerk w.e.f 23-08-01. There after he was appointed as Office supdt. on 13-04-2005. On 01-09-2005, he was appointed as Asst accounts officer on Ad-hoc basis by DPC.

3. He has to complete 3 years service in the post of Supdt. for promotion to the post of Asst.Accounts officer. He is at present discharging the duties of Accounts officer and Drawing and Disbursing officer from 2011 onwards. Now, the respondents are calling applicants to the post of accounts officer without considering the case of the applicant. The applicant has become eligible for promotion to the post A.A.O after completing 3 years on 13-04-08 itself. But he was given promotion only from 2-8-2010 only. Hence, he filed this OA seeking retrospective

promotion as AAO w.e.f 13-4-2008 and accounts officer w.e.f. 13-04-2013, the date when he became eligible for the post of accounts officer and as Chief accounts officer w.e.f.13-04-2016.

4. The respondents appeared and filed a reply denying the claims of the applicants. The promotion to the post of office supdt. was given subject to outcome of WP No. 7738/05(from OA303/04). The appointment of the applicant to the post of AAO was given due to the exigencies of service and with conditions, since applicant was not qualified to the post of AAO as per recruitment rules. The promotion orders were produced as annexure R2 and R3. After the orders of the Hon'ble high court dt.02-04-09 a DPC was convened on 08-06-2010 and as per recommendation of DPC, the applicant was given appointment as Asst.Accounts officer w.e.f 02-08-2010 on regular basis. Prior to this, he was reverted to the post of office supdt. The earlier promotions given to the applicant as AAO was purely ad-hoc and it was mentioned in the order itself that he cannot claim any confirmation, seniority etc on the basis of that order. As per the newly notified RR for the post of Accounts officer, the post has to be filled by composite method on fulfilling eligibility conditions and by competing with outsiders. If he gets selected, it will be considered as promotion. Hence applicant cannot be appointed as accounts officer. The applicant was given the duties and responsibilities of accounts officer only as part of a working arrangement. In the meanwhile, 2 addl posts of accounts officer was created in 2013 and a notification to fill up the said post on the basis of draft recruitment rules which is

approved by president of JIPMER was issued(A9) and the mode of recruitment is only by deputation. The applicant who is from inservice cannot be considered for the same.

5. We have heard both sides and perused the pleadings and annexures. It seems that the applicant was at first appointed as AAO purely on ad-hoc basis due to exigencies of service as per annexure A4 for a fixed period. This was done with a condition that he will not claim any regularisation etc;-on that ground. There was a writ pending as WP No 7738/05 at that time and the same was decided only on 02-04-2009 and immediately thereafter a DPC was convened and applicant was given promotions w.e.f 02-08-2010 as per A7 order. Now the applicant would content that he ought to have been given promotion w.e.f.13-4-2008 . It is true that applicant became eligible for promotion from that date onwards. The respondents had considered the promotion of the applicant and the DPC had recommended the promotion the promotion w.e.f 02-08-2010. The applicant has no right to claim retrospective promotion as such. So, we find this point against the applicant.

6. As regards the promotion to the post of Accounts officer, the method of appointment is by competition with other candidates and he has to come out successful for getting it. The said promotion is not automatic(A2). So the applicant has no right to get promoted to the post of accounts officer automatically. The two posts notified as per A10 notification is being done as per new RR and only deputationists can apply

for it. Applicant being in service employee cannot be considered for the same.

7. Considering the above facts, we are of the opinion that there is no merits in this OA and the applicants is not entitled to get any relief as prayed for.

8. Accordingly the OA will stand dismissed. No costs.

**(T.JACOB)
MEMBER (A)**

.2020

M.T.

**(P.MADHAVAN)
MEMBER(J)**