

18.

01-8-02

RA 112/02 1N

MA 1001/02

OA 09544/01

Present : Shri R.N. Singh for Shri N.S. Mehta,  
Counsel for review applicants.  
None for respondent in RA.

Await service. Put up on 19-8-02.

Dr  
(SAT Rizvi)  
M(A)

(Smt)

Abhijit  
(Abhijit Agarwal)  
Chairman

19-8-02

RA has been altered by a DBG  
Hence the chairman & member SAT Rizvi,  
M(A).

By order  
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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

RA NO.112/2002 &  
MA NO.1001/2002 IN  
CA NO.2544/2001

NEW DELHI, THIS THE 19TH DAY OF AUGUST, 2002.

HON'BLE MR.JUSTICE ASHOK AGARWAL, CHAIRMAN  
HON'BLE MR.S.A.T.RIZVI, MEMBER (A)

Shri S.S.Sethi  
Senior PA and designated as  
OSD (Hotels)  
Department of Tourism  
Dalhousie, C-1 Hutsments, Dalhousie Road,  
New Delhi. .... Applicant

(None)

vs.

Union of India through  
Secretary  
Ministry of Tourism  
Transport House  
1, Parliament Street  
New Delhi. ... Respondents

(BY SHRI N.S.MEHTA, ADVOCATE)

ORDER (ORAL)

JUSTICE ASHOK AGARWAL:-

MA No.1001/2002

We are satisfied with the reasons mentioned in MA No.1001/2002 seeking condonation of delay in filing Review Application No.112/2002 in OA No.2544/2001. MA is accordingly granted.

2. By an order passed on 4.3.2001, OA No.2544/2001 was disposed of by giving the following direction:-

"7. Before parting with the case, we call upon the respondents to fill up the post of Assistant Director (Admn) on regular basis as expeditiously as possible and preferably within 8 months from the date of receipt of this order, because we are informed that the present incumbent Respondent No.3 is holding the said post on ad hoc basis."

*W.S.*  
Shri N.S.Mehta, learned counsel appearing for and on behalf of the respondents presses for review of the aforesaid direction on the ground that Shri Neeraj Sharan (respondent No.3 in the OA) was holding the post of Assistant Director

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(Admn.) on ad hoc basis against an ad hoc vacancy and not against a regular vacancy. He was so holding the aforesaid post on ad hoc basis as the incumbent of the said post had been promoted to a higher post also on ad hoc basis. Once the said incumbent is reverted back to his substantive post of Assistant Director (Admn.), Respondent No.3 will be required to vacate the said post. He in turn will thus be required to be reverted to his substantive post.

3. Having regard to the aforesaid position, we review the aforesaid direction ~~for~~ <sup>by</sup> substituting the same as under:-

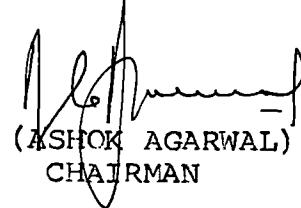
"Respondent No.3 (Shri Niraj Sharan) will hold the post of Assistant Director (Admn.) on ad hoc basis till the Department of Personnel & Training permits him to hold the same."

We direct accordingly.

4. Present Review Application is allowed in the aforesated terms.



(S.A.T.RIZVI)  
MEMBER(A)



(ASHOK AGARWAL)  
CHAIRMAN

/sns/