

(5)

Central Administrative Tribunal
Principal Bench

O.A. No. 2544 of 2001

New Delhi, dated this the 4th March, 2002.

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

S.S.Sethi,
Senior PA and designated as
OSD(Hostels)
Department of Tourism,
Dalhousie, C-1, hutments,
Dalhousie Road,
New Delhi-11
(By Advocate: Shri K.K.Mishra)

... Applicant.

Versus

1. Union of India,
through
Secretary,
Ministry of Tourism,
Transport House,
1 Parliament Street,
New Delhi.1
2. Director General,
Department of Tourism,
Transport Bhawan,
1, Parliament Street,
New Delhi.1
3. Mr. Neeraj Sharan,
Assistant Director,
Department oof Tourism,
Transport Bhawan,
1, Parliament Street,
NewDelhi-1

Respondents

(By Advocate: Shri N.S.Mehta)

ORDER (Oral)

S.R. ADIGE, VC (A)

Applicant impugns respondents' notification dated 25.9.2000 (Annexure.5). He also seeks a direction to respondents to quash orders dated 30.7.2001 and 31.7.2001 reverting him to the post of Sr. PA designated OSD (hotels), and promoting

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Respondent No.3 to the post of Assistant Director (Admn). He seeks promotion to the post of Asstt. Director(Admn).

2. Heard both sides.

3. Applicant who was Sr. PA was appointed as Assistant Director (Admn) in Respondents' organisation on purely adhoc basis w.e.f. 10.2.2000(Annexure. 3). Soonafter respondents by impugned notification dated 25.9.2000, issued under Article 309 of the Constitution, have promulgated the Directorate General of Tourism, Department of Tourism (Gazetted Staff) Recruitment Rules, 2000 regulating the method of recruitment to the post of Assistant Director. By the aforesaid notification, the post of Assistant Director (Admn) is to be filled in by promotion from amongst Assistants with 8 years regular service in the grade.

4. Pursuant to the aforesaid notification dated 25.9.2000 applicant has been reverted from the post of Assistant Director (Admn), and Respondent No.3 has been promoted to the aforesaid post. As it is not denied that the applicant was holding the post of Assistant Director (Admn) on purely adhoc basis, it gives him no enforceable legal right to continue on that post after issue of the notification dated 25.9.2000 regulating the method of recruitment to the post only from amongst the Assistants having 8 years' regular service in the grade.

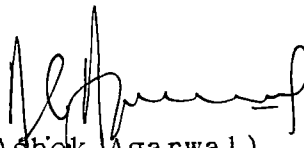
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5. In this connection we note that by respondents' order dated 30.7.2001 (Annexure.8) applicant has been designated as OSD (Hotels) and has also been granted the benefits of ACP Scheme.

6. As the impugned notification dated 25.9.2000 has been issued under Article 309 of the Constitution on the basis of a policy decision, in our considered opinion, the same cannot be legally faulted and the OA warrants no interference.

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 3 months from the date of receipt of this order, because ~~we~~ we are informed that the present incumbent Respondent No.3 is holding the said post on adhoc basis.

8. The OA is disposed of accordingly. No costs.


(Ashok Agarwal)
Chairman


(S.R. Adige)
Vice Chairman(A)

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