

Central Administrative Tribunal
Principal Bench

O.A. 142/1998

New Delhi, this the day of 7th November, 2001.

Hon'ble Shri S.R.Adige, Vice-Chairman(A)
Hon'ble Dr.A Vedavalli, Member(J)

Shri K.S.Dahiya S/o Shri Nahnu Ram
R/o E-2, Fire Station, Moti Nagar,
New Delhi.
(By advocate: Shri Rajeev Singh)

...Applicant

Versus

1. Delhi Fire Service,
Headquarters Connought Circus, New Delhi.
Through its Chief Fire Officer.
2. Government of National Capital Territory of Delhi
5, Sham Nath Marg, Delhi
Through its Secretary.
3. The Secretary(Services)
Government of National Capital Territory of Delhi
5, Sham Nath Marg, Delhi.Respondents.
(By advocate:Shri H.P.Chakraborty proxy counsel
of Shri Vijay Pandita)

ORDER(Oral)

By Shri S.R.Adige, Vice-Chairman(A)

Applicant impugns the respondents' order dated 1.3.95 entrusting him with current duty charge of the post of Divisional Officer in his own pay scale and as a stop-gap arrangement. He seeks regular promotion as Divisional Officer, counting his length of service as such from March, 1995, and consideration for promotion as Divisional Officer, even earlier i.e. from 1992 itself with consequential benefits.

2. We have heard Shri Rajeev Singh for applicant and Shri H.P.Chakraborty proxy counsel of Shri Rajinder Pandita for respondents.

3. It is not denied that the applicant has

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superannuated on 30th April, 1998 and was promoted as Divisional Officer on purely adhoc and emergent basis with the approval of competent authority a little before his retirement on 23.4.1998.

4. Impugned order dated 1.3.1995 giving applicant current duty charge of the post of D.O. makes it clear that such current duty charge was purely on adhoc and emergent basis and the period of service rendered on current duty charge would not count as officiation in the higher grade for any purpose, whatsoever. This interim arrangement could be terminated at any time by the competent authority without assigning any reason and/or prior to that notice. Applicant has also not denied in rejoinder the specific averment of respondents in their reply that regular appointment to the post of D.O. which is a Group 'A' post could be made only with UPSC's approval after the Recruitments Rules were framed, and the Recruitment Rules were notified only on 9.9.98.

5. Furthermore the rulings of the Hon'ble Supreme Court in the Direct Recruit Class II Engineers' case JT 1990 (2) SC 264 read with State of West Bengal & Others Vs. Aghore Nath De & Others and connected cases (1993) 3 SCC 371 prohibit the counting of the period, applicant was granted current duty charge of the post of Divisional Officer, towards seniority as Divisional Officer.

6. The O.A. is accordingly dismissed. No costs.

A.Vedavalli

(Dr.A.Vedavalli)
M(J)

/kd/

S.R.Adige
(S.R.Adige)
V.C.(A)