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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.1848/98

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)

New Delhi, this the 20th day of July, 2000

P.D.Goyal
s/o Shri S.R.Goyal
r/o 60A, Sagarpur
New Delhi
Research Investigator
Grade-I (Economics)
Commission for Agricultural Costs & Prices
Department of Agriculture & Cooperation
F-Wing, Shastri Bhavan
New Delhi - 110 001. Applicant

(By Shri C.B.Pillai, Advocate)

Vs.

Union of India through

1. The Secretary to Govt. of India
Dept. of Agriculture & Cooperation
Ministry of Agriculture
Krishi Bhawan, New Delhi-110 001.
2. The Member Secretary
Commission for Agricultural Costs & Prices
Dept. of Agriculture & Cooperation
F-Wing, Shastri Bhavan
New Delhi - 110 001.
3. The Secretary to the Govt. of India
Ministry of Finance
Dept. of Economic Affairs (IES Division)
North Block, New Delhi. Respondents

(By Shri Rajeev Bansal, Advocate)

O R D E R (Oral)

By Smt. Shanta Shastry, M(A):

The applicant has sought regularisation in the post of Research Investigator Grade-I (Economics) w.e.f. 1.10.1992 or 1.10.1993 by counting the service put in by him by way of ad hoc promotion.

2. The applicant was initially appointed as Research Investigator Grade-II. He was thereafter given ad hoc promotion to officiate as Research Investigator Grade-I (Statistics) in the pre revised

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scale of Rs.1640-2900 for a period of six months, against a short term vacancy, w.e.f. 19.9.1991. The same ad hoc promotion was extended for another six months upto 18.9.1992. Thereafter the applicant was again appointed on ad hoc basis w.e.f. 22.9.1992 for a period of six months against a short term vacancy. Further the applicant was appointed to the post of Research Investigator Grade-I (Economics) on deputation basis w.e.f. 10.12.1992 till 30.06.1995 or till the return of the regular incumbent, Shri C.S.Chanchal, which ever is earlier. On completion of four years on deputation, he was reverted to his regular post w.e.f. 9.12.1996. Thereafter, again he was put on ad hoc promotion to the post of Research Investigator Grade-I w.e.f. 7.2.1997 to 3.6.1997. Finally, he was promoted to the post of Research Investigator Grade-I (Economics) w.e.f. 4.6.1997 on regular basis on the recommendations of the DPC. The applicant has further mentioned in that OA that two senior officers, namely, Shri D.D.Atulkar and Smt. Sushma who were appointed to officiate as Assistant Directors on ad hoc basis were later on regularised in the grade of Assistant Director in 1997 with deemed effect from 1.10.1992 and 1.10.1993 respectively. It is the contention of the applicant that since these two senior officers were promoted on regular basis with retrospective effect from 1992 and 1993, the applicant should also have been considered for deemed promotion w.e.f. the dates when the regular posts of Research Investigator Grade-I fell vacant though on deemed basis. The learned counsel for the applicant argues that these senior officers had also been appointed only on ad hoc basis as Assistant Directors

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but when they got their regular promotion their ad hoc period of service was taken into consideration for giving them deemed promotion on the same analogy the applicant also deserves to be given promotion with retrospective effect from the date when he was appointed on ad hoc basis if not from that, at least from the date his seniors were promoted to the higher grade.

3. The learned counsel for the respondents submits that the applicant was given ad hoc promotion on the specific condition that the ad hoc appointment will not bestow any claim for regular appointment and ad hoc service will not count for the purpose of seniority or for reckoning the prescribed period of service for promotion to the higher post. This condition was repeated whenever the applicant was given the ad hoc promotion. This being so, and particularly because the ad hoc appointments were short term vacancies and not regular vacancies, the applicant cannot be given retrospective promotion by taking into account the service put in in the ad hoc appointment. In regard to the deemed promotion with retrospective effect of his seniors, the learned counsel submits that orders of regularisation with deemed effect were not issued by the Commission for Agricultural Costs and Prices but they were issued by the Department of Economic Affairs which is the cadre controlling authority of the Indian Economic Service. Therefore, Respondents No.1 and 2 cannot be held responsible for that action. As far as the Commission for Agricultural Costs and Prices is concerned there were no vacancies between the period from 1992 till the applicant was promoted on regular basis in 1997.

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This being so, Respondents No.1 and 2 are unable to grant the request of the applicant.

4. We have heard the learned counsel for the applicant as well as the respondents and we have given careful consideration to the pleadings. We note that the applicant was on ad hoc appointment twice to the post of Research Investigator Grade-I initially in the post of Research Investigator Gr.I(Statistics) and later Research Investigator Grade-I(Economics). These ad hoc promotions were also purely against short term vacancies. The learned counsel for the applicant informs that his deputation was also later on treated as ad hoc service. Be that as it may, there is no denial that the period of his appointment to the post of Research Investigator Grade-I from 1991 till he was regularised in 1997 was purely ad hoc, and there was no vacancy. The learned counsel for the applicant has argued strenuously that though there was no vacancy, since his seniors have been given deemed promotion w.e.f. 1.10.1992 and 1.10.1993, it can be construed that the resultant deemed vacancies were available and the applicant being the seniormost was entitled to be considered against one of these deemed vacancies. The Respondent No.3 who passed the orders of promotion of the applicant's seniors is not present in person nor is any reply filed by him. The learned counsel for the respondents No.1 and 2 has reiterated that they have nothing to do with the orders of Respondent No.3. As far as they are ^{concerned} ⁴ they have strictly acted according to the available vacancies and established law as mere ad hoc promotion cannot bestow any right for regularisation.

5. In the facts and circumstances, we are satisfied that the respondents have acted in a fair manner. We agree with the respondents. We cannot therefore grant any relief prayed by the applicant. The OA is therefore dismissed. No costs.

Shanta S

(SMT. SHANTA SHAstry)
MEMBER(A)

Andhra Pradesh

(V.RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/