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(20)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 2036/1998

New Delhi, this the 16th day of October, 2000

Hon'ble Mr. Justice V.Rajagopala Reddy, VC (J)  
Hon'ble Sh. Govindan S. Tampi, Member (Admn)

Sh. N.P.Singh  
S/o Sh. Prem Singh  
R/o B-33/2C Yadav Nagar  
Samay Pur Badli,  
Delhi - 110042

At present working as  
Asstt. Engineer (Elec.)  
Telecom Elec. Sub Division,  
Sonapat, Haryana.

....Applicant.

(By Advocate : Sh. Arun Bhardwaj)

V E R S U S

1. Union of India through Secretary  
Ministry of Communications  
Department of Tele Communications, 1300-A  
Sanchar Bhawan, 20 Ashok Road, New Delhi - 110001
2. Director (E.W.)  
Department of Telecommunication, 1300-A,  
Sanchar Bhawan, 20 Ashoka Road, New Delhi-110001
3. Deputy Director General (Elec.)  
Department of Telecommunications  
1300-A, Sanchar Bhawan,  
20, Ashoka Road, New Delhi - 110001  
~~New Delhi - 110001~~

...Respondents

(By Advocate : Sh. S.M.Arif)

O R D E R (ORAL)

By Hon'ble Mr. Justice V.Rajagopala Reddy, VC (J)

The facts of the case lie in a short compass. While the applicant was working as J.E., he was temporarily promoted as Assistant Engineer (Electrical) for a period of four months or till such time the respective post are filled up on regular basis which ever was earlier. Thereafter the post was filled up on regular basis by the DPC held on 19-7-89, but the applicant having been considered was not recommended. On 1-8-89 the DPC was constituted for

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the purpose of ad hoc promotions and the applicant was promoted on ad hoc basis. On 1-11-93 the regular promotions have been made to the post of A.E. (Elec.) by the duly constituted DPC and the applicant was this time recommended for promotion and was accordingly appointed as Asstt. Engineer (Elec.) on regular basis w.e.f. the date of ad hoc promotion i.e. 4-8-89. The applicant, however, claims that he should have been regularly promoted w.e.f. 31-12-86 and he should be shown in the seniority list accordingly which was published on 9-1-98 (Annexure-A1). It is urged in the OA that as per the judgment of the Supreme Court in I.K.Sukhija & Ors. Vs. UOI & Ors. (1997) 6 SCC P.406 the applicant's ad hoc promotion made in 1986 should be reckoned for fixation of revised seniority and for regularisation.

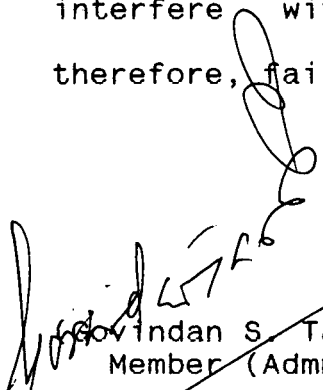
2. We have carefully considered the arguments of the learned counsel on either side, perused the pleadings as well as the records produced by the counsel for the respondents.

3. It is clear from the order dated 31-12-86 that the applicant was promoted on purely temporary basis for the brief period of 4 months or till the regular promotions are made. Accordingly the regular promotions have been made on 19-7-89, but the applicant was not recommended for promotion. Thus the temporary arrangements came to an end and he goes back to his substantive post. But he was promoted on ad hoc basis by the DPC which met on 1-8-89. He was thereafter regularly promoted on 1-11-93 from the date he was promoted on ad hoc basis i.e. 4-8-89. The

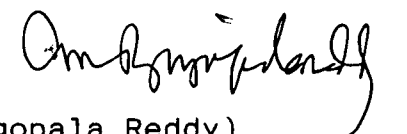
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entire period of ad hoc service of the applicant w.e.f. 4-8-99 has been counted for regularisation. We do not find any justification for giving the benefit of his purely local and temporary promotion in 1986. He was subsequently considered for regular promotion on 19-7-89, but he was not recommended for such promotion. In I.K.Sukhija's case, [(1997) 6 SCC P.406] Supreme Court having found that the promotion though made on ad hoc basis as the post was not filled up by stop gap arrangement, held that the seniority list in that case should be determined in accordance with the proposition "B" in the Direct Recruit Class II Engineering Officers' Association case i.e. (1990) 39 ATC P.348 and accordingly the benefit of the ad hoc promotion was directed to be given to all such promotions. In the instant case, the applicant was considered for regular promotion in 1989 by the regularly constituted DPC, but he was not found fit. He was thereafter appointed on ad hoc basis on 1-9-89, and the benefit of ad hoc service was given to him when he was regularised in 1993, in accordance with the ratio of the I.K.Sukhija's case and the seniority of the applicant has been correctly fixed in the seniority list of 1998.

4. Hence, we do not find any warrant to interfere with the seniority list. This OA, therefore, fails and accordingly dismissed. No costs.

  
Govindan S. Tampi)  
Member (Admn)

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(V. Rajagopala Reddy)  
Vice-Chairman (J)