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Central Administrative Tribunal
Principal Bench

O.A. No. 2404 of 1998

New Delhi, dated this the 10th January, 2000

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

S/Shri

1. Parveen Kumar,
S/o Shri Mangha Ram,
Asst. Director, Central Water Commission,
Room No. 920 (N), Sewa Bhawan,
R.K. Puram,
New Delhi-110066.
2. Nitya Nand Rai,
S/o Shri Ganga Saran Rai,
Asst. Director,
Central Water Commission,
Room No. 712 (S) Sewa Bhawan,
R.K. Puram, New Delhi.
3. Shiv Dutta Sharma
S/o Shri R.D. Sharma
4. Neeraj Kumar Manglik,
S/o Shri B.P. Agrawal
5. Praveen Kumar,
S/o Shri M.L. Sharma
6. H.S. Sengar,
S/o Shri Har Prasad Sengar
7. G.L. Bansal,
S/o Shri Mathera Dass
8. Sharad Chandra,
S/o Shri Nandeshwar Sharma
9. Baleshwar Thakur,
S/o Shri C.P. Thakur
10. Gogari Agarwal,
S/o Shri Hari Raj Saran. Applicants
(By Advocate: Shri E.X. Joseph, Sr. Counsel
with Shri Sabharwal)

Versus

1. Union of India through
the Secretary to the Government,
Ministry of Water Resources,
Shram Shaktri Bhawan,
Government of India,
New Delhi.

2. The Secretary to the Govt.
Ministry of Personnel, Public Grievances & Pensions,
Dept. of Personnel
3. The Central Water Commission,
Govt. of India through its Chairman,
Sewa Bhawan, R.K. Puram,
New Delhi.
4. Shri P.C. Jha,
Dy. Director,
Central Water Commission,
Sewa Bhawan, R.K. Puram,
New Delhi.
5. Shri V.B. Ahuja,
Dy. Director, C.W.C.
6. Shri S.S. Assi,
Dy. Director, C.W.C.
7. Shri Praveen Vashishta,
Dy. Director, C.W.C.
8. Shri Kumar Ambwani,
Dy. Director, C.W.C.
9. R.P. Gupta,
Dy. Director, C.W.C.
10. Shri G.S. Rao,
Dy. Director, C.W.C.
11. Shri P.P. Abadurahiman
Dy. Director, C.W.C.
12. V.K. Hejib,
Dy. Director, C.W.C.
13. C.L. Bajaj,
Dy. Director, C.W.C.
14. Shri S.C. Singhal,
Dy. Director, C.W.C.
15. Shri P.K. Chatterjee,
Dy. Director, C.W.C.
16. Shri D.S. Agarwal,
Dy. Director, C.W.C.
17. Shri I.S. Gupta,
Dy. Director, C.W.C.
18. Shri J.P. Anthony,
Dy. Director, C.W.C.
19. Shri Y.N. Rao,
Dy. Director, C.W.C.

20. Shri S.R. Das
Dy. Director, C.W.C.
21. Shri S.M. Ghulfran,
Dy. Director, C.W.C.
22. Shri M.V. Desai,
Dy. Director, C.W.C.
23. Shri G.S. Tyagi,
Dy. Director, C.W.C.
24. Shri A.K. Chakraborty,
Dy. Director, C.W.C.
25. Shri Raizuddin Khan,
Dy. Director, C.W.C.
26. D.N. Singh,
Dy. Director, C.W.C.
27. Shri Prasant Kumar,
Dy. Director, C.W.C. Respondents
(By Advocates: Shri V.S.R. Krishna for official
Respondents
Shri K.L. Bhandula for pvt. respondents)

ORDER

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicants impugn respondents' order dated 23.10.98 (Annexure A-1) and seek grant of ad hoc promotion as Dy. Directors w.e.f. that date.

2. Applicants who are direct recruits and are working as Assistant Directors in C.W.C. are aggrieved by the promotion on ad hoc basis to the post of Dy. Directors granted to Respondents 4 to 27, who they claim are their juniors. Applicants assert that they were not considered for ad hoc promotion by official respondents on the ground that they did not fulfil the eligibility criteria on 1.10.97, but the ad hoc promotions have been made by order dated 23.10.98 by which date they had become eligible even for regular promotion. Furthermore as the

promotions were purely ad hoc they contend that it should have been made strictly as per seniority. Reliance is placed on O.M. dated 28.8.83 at Page 140 of Swamy's Compilation on Seniority and Promotion VI Edition. It is asserted that a cut off date could apply only to regular promotions made through D.P.C., but in the present case the promotions were only ad hoc. In this connection reference has also been made to the advice given by DP&T to all Ministries/Departments of Government of India to insert a note in their respective Recruitment rules for various posts to the effect that when juniors who have completed the eligibility period are considered for promotion their seniors should also be considered, irrespective of whether they have completed the requisite service, provided they have completed the probation period. Applicants assert that they have completed the probation period long ago and should therefore have been granted ad hoc promotion before their promotee juniors.

3. Respondents in their reply state that as per Rule 6(6) Central Water Engineering (Group A) Service Rules, 1991 if an officer is appointed to the post in the service is considered for promotion to a higher post all persons senior to him in the grade shall also be considered, notwithstanding that they do not fulfil the prescribed qualifying service, if the shortfall is not more than one year, and provided they have successfully completed the probationary period. Respondents state that the applicants were not considered for the ad hoc promotions of the Recruitment Rules on the crucial date of eligibility i.e. 1.10.97 even after applying the one year relaxation provided in Rule 6(6) of the Rule. As officers

junior to applicants were eligible they were promoted on ad hoc basis as Dy. Directors. Respondents state that these ad hoc promotions would not confer upon the promoted officers any right to claim regular promotion or seniority in the higher grade.

4. We have heard both sides.

5. Without going into the merits of the rival contentions we hold that we would not be justified in issuing any order which merely replaces one set of ad hoc appointees with another, more particularly when ad hoc appointments/promotions are required to be made only for short periods of time, and the impugned ad hoc promotions have already continued for well over one year. Under the circumstances we dispose of this O.A. with a direction to respondents to initiate action forthwith for making promotions to the posts of Dy. Director on regular basis, in accordance with rules and instructions, so that the process is completed as expeditiously as possible and preferably within a period of six months from the date the process is initiated, so that the impugned ad hoc arrangements are not continued for longer than is absolutely necessary.

6. The O.A. is disposed of in terms of Paragraph 5 above. No costs.

Lakshmi Swaminathan
(Mrs. Lakshmi Swaminathan)

Member (J)

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

/GK/