

Central Administrative Tribunal, Principal Bench

Original Application No. 346 of 1998

New Delhi, this the 27th day of September, 2000

Hon'ble Mr. Kuldip Singh, Member (J)
Hon'ble Mr. S.A.T. Rizvi, Member (A)

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Sh. V.K. Bhardwaj,
S/o late Shri Laxmi Prakash
Draftsman (Division I)
Directorate Survey (Air),
West Block IV, R.K. Puram
New Delhi-66

Resident of H.No. 101, Lane 5
Krishana Nagar, Safdarjung Enclave
New Delhi-110029

.....Applicant

(By Advocate: None)

Versus

1. Union of India, through
The Secretary,
Deptt. of Science and Technology,
Govt. of India, Technology Bhawan,
New Delhi

2. The Surveyor General
Survey of India
Dehradun

3. Director Survey (Air)
Survey of India
West Block IV
R.K. Puram, New Delhi

4. Director
Northern-Eastern Circle
Survey of India,
Shillong (Meghalaya)

.....Respondents

(By Advocate: None)

ORDER (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (J)

The applicant in this OA has prayed for the following reliefs:-

"(i) That the Ad-hoc services of the applicant may please be regularised w.e.f. 5.4.82 with all consequential benefits;

(ii) That the impugned reversion order dated 7.3.95 reverting the applicant from back date i.e. 6.3.95 may please be quashed and

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set aside, and

(iii) That the applicant may please be given his seniority from back date as Draftsman Division I and the respondents may please be directed to place the applicant at Serial No.8 of the impugned seniority list."

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2. The case of the applicant is that he was initially appointed as Tope-Trainees Type 'B' (in short 'TTT(B)') and on successful completion of all departmental examination and courses, he was promoted to the post of Draftsman Grade II w.e.f. 2.1.1973. As there were a large number of vacancies of Draftsman Grade I in North Eastern Circle because the persons who were regularly promoted had refused to join there, the respondents vide their letter dated 13.5.81, invited the names of volunteers who were willing to be posted as Draftsman Grade I on ad-hoc basis at Shillong. The applicant gave his willingness and accordingly, he was relieved of his duties to join the new assignment vide office order dated 3.4.82. He joined at Shillong on 5.4.82. The applicant pleads that as per respondents' letter dated 10.3.86 "such ad-hoc promotees had to remain ad-hoc till such time their promotion was regularised by a duly constituted DPC and in order to safeguard the interests of those ad-hoc promotees, no one else was to be posted to these Stations provided their records remained satisfactory."

3. By the impugned order dated 7.3.95, applicant has been reverted to the post of Draftsman Grade II w.e.f. 6.3.95. The grievance of the applicant is that though regular vacancies of Draftsman Grade I were available, yet

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in the DPCs held between 1987 and 1991, his name was not considered for the same. He has stated that he had joined the post of Draftsman Grade -I at Shillong on ad-hoc basis in view of the assurance that he would be absorbed against the regular vacancy in due course. He has submitted that since the regular post of Draftsman Grade I was existing under the control of respondents on the date of his ad-hoc appointment, so he is entitled to be regularly promoted w.e.f. 5.4.82.

4. The OA is contested by respondents. The main plea of the respondents is that this OA is barred by limitation as applicant is claiming relief w.e.f. 1982 and is seeking quashing of reversion order dated 7.3.95, whereas this OA has been filed on 5.2.98. In their reply, respondents have admitted that they had called for the names of Draftsman Grade II who were volunteers for posting to Shillong on promotion on ad-hoc basis. Respondents have submitted that in pursuance of the instructions received from DOPT from time to time regarding ad-hoc appointments and promotions, the Surveyor General of India had issued specific orders on 20.5.94 that "in no case the total period of ad-hoc appointment should exceed one year or till regular incumbent was available, whichever was earlier." Continuance of ad-hoc promotion beyond one year after giving the break was also stated to be not permissible. The applicant was, therefore, reverted to his substantive post of Draftsman Grade II w.e.f 6.3.95. However, as per the recommendations of the DPC, he was again promoted to the post of Draftsman Grade I on regular basis w.e.f

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7.3.95.

5. In reply to applicant's allegation that he was not considered for regular promotion in the DPCs held during 1987, 1988, 1990 and 1991, the respondents have submitted that though the DPCs were held but the applicant being too junior in the feeder grade, was not eligible for consideration for promotion in those years.

6. As none appeared for either side when the case was called out, we have proceeded to decide the matter on the basis of pleadings available on record.

7. The applicant in this case has challenged the order dated 20.2.95 whereas this OA has been filed on 5.2.98, which means that there is a delay of about two years and two months in filing this OA. Though the applicant has alleged that he had made certain representations to the respondents which remained unresponded, but it is a settled law that repeated representations do not extend the period of limitation and the applicant should have approached this Tribunal within one year from the date of passing of the impugned order. Therefore, we are of the considered opinion that this OA is hit by limitation under the provision of Section 21 of Administrative Tribunals Act.

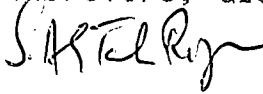
8. As regards merits of this case, the applicant has claimed regular promotion w.e.f. 5.4.82 when he was initially posted to Shillong as Draftsman Grade I on ad-hoc

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basis. For this purpose, he has relied upon the circular of the respondents dated 13.5.81 whereby the names of willing persons were invited who were interested to be posted in the North Eastern Circle on ad-hoc promotion as Draftsman Grade I. It was also mentioned in the said circular that they were likely to be absorbed against regular vacancies in due course (emphasised). In the OA, the applicant has emphasised this clause in para 4.2. However, we find that this clause does not mean that the applicant could be regularised to the post of Draftsman Grade I without fulfilling the eligibility conditions. The respondents have clearly stated in their reply that though the DPCs were held at regular intervals for promotion to the post of Draftsman Grade I but the applicant being too junior, was not eligible to be considered for promotion at that point of time. According to respondents, the applicant was offered regular promotion w.e.f. 7.3.95, only when his turn came.

9. In view of the above discussion, this OA fails both on the grounds of limitation as well as on merits. It is, therefore, dismissed. No costs.


(S.A.T. Rizvi)
Member (A)


(Kuldip Singh)
Member (J)

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