

Central Administrative Tribunal
Principal Bench

O.A. 459/98

New Delhi this the 12 th day of November, 1998

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri K. Muthukumar, Member(A).

(13)

Dr. Raghuraj Singh Chauhan,
Assistant Director (Exhibition),
National Museum,
Janpath, New Delhi-110001. ... Applicant.

By Advocate Shri Naresh Kaushik.

Versus

1. The Union of India through
its Secretary,
Department of Culture,
Shastri Bhawan,
New Delhi.
2. The Director General,
National Museum,
Janpath, New Delhi. ... Respondents.

By Advocates Shri M. Chandrasekharan, Sr. Counsel with Shri
D.S. Jagotra.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant, who had been appointed substantively as Keeper (Publications) with Respondent 2, has filed this application, on the grounds that the respondents are not taking any steps for appointment to the posts of Assistant Director (Exhibition) and Assistant Director (Administration), which posts, according to him, are lying vacant since 5 years and 5 months, respectively. Hence this O.A. has been filed on 18.2.1998 seeking a direction to the respondents to complete the process of selection to the aforesaid posts in accordance with law and to direct them to grant the applicant salary of the post of Assistant Director (Exhibition) with effect from the date he was so appointed by order dated 1.1.1996.

(14)

2. By the respondents' office order dated 1.1.1996 the applicant who was Keeper (Publications) in the National Museum was appointed on ad hoc basis to the post of Assistant Director (Exhibition Cell) for a period of 6 months or till the post is filled on regular basis whichever was earlier. In the reply filed on 19.6.1998, the respondents have stated that though they had received the proposal for extension of his ad hoc service, this was not acceded to by the competent authority. However, during the pendency of the O.A., the respondents have passed Notification dated 28.10.1998 extending his ad hoc deputation in the post of Assistant Director (Exhibition Cell) with effect from 1.1.1996 to 28.5.1998. It is also stated that he stands reverted to his substantive post of Keeper (Publication) on 28.5.1998.

3. Shri Naresh Kushik, learned counsel for the applicant has submitted that after the O.A. has been filed, the respondents have held interviews for selection to the post of Assistant Director (Exhibition) for which the applicant has also been called. According to him, he reliably understands that the applicant has been selected for the said post but the respondents are deliberately delaying the process of completion of selection by not submitting the integrity certificate and completing the other formalities. This was strongly denied by Shri M. Chandershekharan, learned Senior counsel. Learned Senior ¹⁸ counsel for the respondents has submitted that in terms of the reliefs prayed by the applicant in this application, nothing survives as, admittedly, the respondents have started the process of selection to the higher post of Assistant Director for which the applicant has also been considered and the same would be concluded in the normal course in accordance with the rules. He has also denied any deliberate delay on their part

to complete the process and we also find that there is also nothing placed on record by the applicant to substantiate his claim. Hence the plea that the respondents are deliberately delaying the process of completion of selection is without any basis and is accordingly rejected.

4. The Tribunal by interim order dated 28.5.1998 had, pending filing of the reply by the respondents and clarifying the factual position regarding the official position of the applicant during the intervening period, stayed the O.M. dated 26.5.1998 and ordered that status quo ante should be continued till further orders. The O.M. dated 26.5.1998 states that the applicant was appointed to the post of Assistant Director (Exhibition Cell) for a period of six months only w.e.f. 2.1.1996 or till the post is filled on regular basis whichever is earlier and that they had not given any further explanation of the ad hoc period which ended on 2.7.1996. They have also stated that the applicant, therefore, remained as Keeper (Publications), National Museum which is his substantive appointment. In view of the Tribunal's order dated 28.5.1998 and the respondents' notification dated 28.10.1998, the applicant has been continued on ad hoc deputation basis in the post of Assistant Director (Exhibition Cell) from 1.7.1996 to 28.5.1998. Thereafter, the respondents have reverted him to his substantive post. Learned counsel for the respondents has submitted that since then the applicant has only been working and discharging his functions in the post of Keeper (Publication) and hence there was no question of his being continued on ad hoc basis.

5. We have considered the above submissions made by the learned counsel and the records.

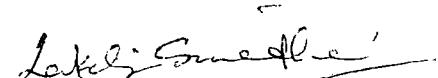
(b)

6. On 28.5.1998, learned counsel for the applicant had submitted that the applicant has been referred to as Assistant Director (Exhibition) and continued in that capacity till the passing of the O.M. dated 26.5.1998. In the circumstances, the interim order dated 28.5.1998 had been passed to allow the applicant status quo ante, that is that he should be continued as Assistant Director (Exhibition) for the intervening period. Taking into account the facts and circumstances of the case, including Notification dated 28.10.1998, the applicant has to be considered as continuing in the higher post till the date of the Notification and could not stand reverted from a retrospective date. He shall be entitled to consequential benefits by way of difference of salary in holding the ad hoc post of Assistant Director in accordance with Rules which shall be paid to him within two months from the date of receipt of a copy of this order.

7. From the pleadings and submissions made by the learned counsel for the applicant himself, it is clear that the main reliefs sought by the applicant in this O.A., namely, for a direction to the respondents to complete the process of selection to the post of Assistant Director (Exhibition) are no longer required as, admittedly, the respondents have initiated the process and are about to complete the same in due course after completion of the formalities in accordance with the relevant rules. We, therefore, find that no such direction as claimed is required in this case at this stage as it has become infructuous.

8. O.A. disposed of/above. No order as to costs.


(K. Muthukumar)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)

SRD