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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 965/1998
MA 1181/98

New Delhi this the 20th day of September, 2000

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

R.N. Dikit,
S/O Late Shri T.R. Dikit,
R/O D-5, Mint Township
D-2/Sector-I, NOIDA.

.. Applicant

(None for the applicant)

Versus

1. Union of India
Govt. of India, Min. of Finance,
Department of Economic Affairs
(Coin and Currency)
North Block, New Delhi through
the Joint Secretary (C&C)

2. The General Manager,
India Government Mint.
P.B. No. 78, D-2/Sector-I, NOIDA

3. Shri D.K. Dhillor, Engineer
India Government Mint.
Post Box No. 78, D-2/Sector-I,
NOIDA.

.. Respondents

(None for the respondents)

O R D E R (ORAL)

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

The applicant has filed this application
to declare that the ad-hoc promotion of Respondent 3, Shri
D.K. Dhillor to the post of Selection grade Engineer
w.e.f. 27.11.1996 to be illegal and (b) for a direction
to the respondents 1 and 2 to convene DPC expeditiously
for making regular promotion of ^{18.} ~~the~~ Engineers of ^{the} Govt. of
India Mint, and to consider his claim for promotion.

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2. As none has appeared for the parties even on the second call and this case has been listed at Serial No.8 in today's cause/^{list} under "Regular matters" under the caption that matters will be taken up serially and no adjournment will be granted, we have perused the pleadings on record.
3. MA 1081/98 has been filed by the applicant in which he has prayed that the Tribunal may allow ~~by~~ the order dated 27.11.1995, issued by the respondents promoting R-3 on ad-hoc basis as Selection grade Engineer ^{to R-3} be taken on record. Having regard to the averments made by the applicant regarding the ad-hoc promotion of R-3 w.e.f. 27.11.1995, MA 1181/98 is allowed.
4. The applicant, who belongs to the General category (unreserved class) has submitted that he being senior to R-3 who is ^a Scheduled Caste (SC) candidate, ought to have been appointed as Selection grade Engineer earlier to him. From the order placed on record by the applicant himself, it is seen that ^{the} ad-hoc promotion of R-3 was given effect from 27.11.1995 as Selection grade Engineer till regular DPC was held. In that order, it has been further stated that ^{the} ad-hoc promotion will not bestow on R-3 any claim for regular appointment to the grade and the services rendered on ad-hoc basis will not count for seniority in that grade and for promotion to the next higher grade. The

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official respondents in their reply have stated that the posts of Engineer (Selection grade) have not been filled on regular basis at that time. They have, however, stated that as per the relevant instructions/orders issued by the DOP&T, they have given due consideration for the provision of 40 point roster and accordingly ^{the R-3} ad-hoc order was passed promoting respondent 3 to the selection grade. They have also stated that the issue regarding applicability of reservation orders in view of the revised instructions issued by the DOP&T OM dated 2.7.97 for maintenance of post based roster will be considered for filling up the posts on regular basis. They have further submitted that as R-3, Shri D.K. Dhillor, was the senior-most SC candidate available in the feeder grade and was also fulfilling the eligibility conditions of 5 years regular service in the feeder grade, their decision to promote him on ad-hoc basis was in order, keeping in view the relevant requirements of reservation orders existing at that point of time. We note that this OA has been filed on 20.2.98 and taking into account the relevant facts, including the submissions of both the parties, we do not consider that the action of the respondents in continuing R-3 as a Selection grade Engineer, after one year of the order dated 27.11.1995, is liable to be quashed and set aside at this stage. We say so, noting the further submissions made by

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the respondents which have been referred to in the subsequent Paragraph.

5. One of the main claims of the applicant in the present OA is for a direction to the respondents to convene DPC expeditiously for regular promotion of Engineers to the Selection grade. It is noted from the reply filed by respondents 1-2 dated 26.9.98 that they have stated that they are in the process of holding DPC to make recommendations for regular promotions to these posts. Noting also ¹⁸ the further submissions made by the respondents, we find no reason to accept the apprehension of the applicant that the DPC will not follow the provisions of law, including maintenance of the roster point as issued by the DOP&T from time to time. We may also add that the applicant had moved MA before the Hon'ble Chairman for early hearing which has been rejected and if he was interested in being heard in the present case he, or his counsel, should have been present, which is not the position as mentioned above. above facts and In the circumstances, perhaps the respondents have already taken steps to hold ^{the} DPC, as stated by them in their reply and hence, no further orders in this regard are considered necessary. If the DPC has not been held so far, they shall take immediate steps to hold the DPC for promotion of

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Engineers to the selection grade in accordance with the Rules and in any case this shall be done within two months from the date of receipt of a copy of this order.

6. In the result for the reasons given above, OA is disposed of as above. No costs.

V.K. Majotra

(V.K. Majotra)
Member (A)

Smt. Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member (J)

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