

Central Administrative Tribunal
Principal Bench, New Delhi.

O.A.No.88/95

New Delhi this the 12th Day of January, 1995.

Hon'ble Mr. Justice S.K.Dhaon, Vice-Chairman(J)
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Sh. Prabhakar Pandey,
Assistant Superintendent,
Income Tax Appellate Tribunal,
11th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi-3. Applicant

(through Sh. K.B.S. Rajan, advocate)

versus

1. Union of India,
through the Secretary,
Ministry of Law, Justice & Co.Affairs,
Shastri Bhawan,
New Delhi-1.
2. Sh. T.V. Rajagopla Rao,
The President,
Income Tax Appellate Tribunal,
10th Floor, Lok Nayak Bhavan,
Khan Market,
New Delhi-3.
3. Sh. N.N. Nayak,
Dy.Registrar(officiating as
Registrar),
Income Tax Appellaate Tribunal,
Old Central Govt. offices Building,
4th Floor,101,Maharishi karve Marg,
Bombay-20. Respondents

ORDER (ORAL)

delivered by Hon'ble Mr. Justice S.K.Dhaon, V.C.(J)

The applicant was holding the post of Assistant Superintendent. He was appointed to officiate as Assistant Registrar, Income-tax Appellate Tribunal, Delhi purely on ad hoc basis for a period of three months. He was given another extension for a period of three months as an officiating Assistant Registrar on ad hoc basis. It is alleged that Sh. M.P.R. Nair, the respondent No.4 who was admittedly a confirmed Senior Personnel Assistant in the Hyderabad Bench of the Tribunal, was appointed as Assistant Registrar on ad hoc basis in place of the applicant. On 28.10.1994,

(3)

President of the Income Tax Appellate Tribunal], Delhi Benches, New Delhi issued an office order by which certain duties were assigned to the applicant in his capacity as an Assistant Superintendent. According to the applicant, no specific order reverting him from the officiating ad hoc appointment of Assistant Registrar has been passed. However, the applicant contends that the said order dated 28.10.94, by necessary implication, reverted him to his original post of an officiating Assistant Superintendent. This action is being impugned in the present application.

The learned counsel concedes the legal position that by his appointment as an officiating Assistant Registrar on ad hoc basis, the applicant acquired no legal right whatsoever, and, therefore, the respondents were under the law entitled to revert him to its original post without assigning/giving any reason. He, however, contends that Sh. Nair, Respondent No.4, the then Senior Personnel Assistant having been appointed as an Assistant Registrar on ad hoc basis, his case is the one where it can be said that one ad hoc appointment is being replaced by another ad hoc appointment. There can be quarrel with preposition that if an ad hoc appointment is replaced by another ad hoc appointment simpliciter there may be a ground for attributing arbitrariness on the part of the officer who passes the order. This case, in our opinion, is outside the normal rule.

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We have been shown that the applicant was given an officiating chance as an Assistant Superintendent and we have also been shown that Sh. Nair who had been given an ad hoc appointment as Assistant Registrar was a permanent Senior Personnel Assistant. We therefore, do not find any element of arbitrariness in the action taken by the respondents in so far as it pertains to the applicant. Sh. Rajan has contended that the post of Senior Personnel Assistant is not a feeder post for the purpose of appointing an Assistant Registrar. Be that as it may, an ad hoc arrangement is a mere make-shift arrangement.

This application has no substance. It is dismissed summarily.

B.N. Dholiyal
(B.N. Dholiyal)

Member(A)

S.K. Dhaon
(S.K. Dhaon)

Vice-Chairman(J)

/vv/