

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No.1052/97

New Delhi, this the 3rd day of October, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)  
Hon'ble Shri S.P.Biswas, Member (A)

Shri Vinod Kumar s/o  
Shri Mulakh Raj Sharma,  
r/o 1/6/25, East Rohtash Nagar,  
Shahdara, Delhi. ....Applicant

(By Advocate: Shri D.R.Gupta)

Versus

Union of India through

1. Chief Commissioner of Income Tax(Admn.),  
C.R. Building, I.P. Estate,  
New Delhi.
2. Deputy Copmmissioner of Income Tax (Hqrs)  
(Admn.) C.R.Building, I.P. Estate,  
New Delhi. ...Respondents

(By Advocate:Shri V.P. Uppal)

O R D E R (ORAL)  
[Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)]

The claim of the petitioner in this OA is that the petitioner had qualified the Inspectors Examination in June, 1995 and is eligible to be posted as Tax Assistant.

The respondents, in their reply, have now stated that the petitioner was not eligible earlier for empanelment and now after the petitioner became eligible, a review DPC has been held for promotion to the post of Tax Assisant on 29.7.1997 and the petitioner has already been empanelled with effect from the same date.

The grievance of the petitioner now is that in the meantime since 1994 four persons allegedly junior to him are holding the same post on ad hoc basis and according

to the rules pertaining to appointment and condition of ad hoc appointments of the Government of India, the appointment should have been reviewed once in every year and his grievance is that in case the said ad hoc appointment of four juniors is reviewed, the petitioner might have become eligible to be posted against one of these vacancies on ad hoc basis till the regular appointment takes place for which he himself has already been empanelled. The grievance, therefore, of the petitioner is that the ad hoc appointment of the four persons who are junior to him, who are not party to this case, may be reviewed and his case for ad hoc appointment may be considered.

We are not in agreement with this contention of the petitioner for the reason that in order to replace those persons who are already occupying as ad hoc, no order can be passed in the absence of those persons who have not been impleaded as party/respondent in this case.

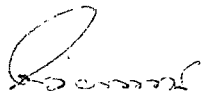
The next grievance of the petitioner is that since he is already empanelled for the post for appointment on a regular basis the said regular selection may be expedited. The respondents fairly stated that the consideration of regular incumbent including the petitioner to be appointed to the post is on its way and as soon as the selection procedure is completed and in case the petitioner is found fit for posting as a regular incumbent, the existing ad hoc employees whose conditions for appointment itself were posting being till the regular

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incumbent come would automatically give way for the posting of the petitioner.

With this, this DA is disposed of with a direction to the respondents to complete the selection procedure within two months from the date of receipt of a copy of this order. There shall be no order as to costs.

  
(S.P. Biswas)  
Member (A)

naresh

  
(Dr. Jose P. Verghese)  
Vice-Chairman (J)