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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA.No.1907 of 1997

New Delhi, this 18th day of July, 2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Smt. Shanta Shastry, Member(A)

1. Raj Bir Singh Bhatti  
S/o Shri Mukhi Singh  
R/o C-1/9 Nehru Vihar  
P.O. Gokul Puri  
Delhi.
2. Jagdish Singh Panwar  
S/o Shri Narain Singh Panwar  
R/o 1642 DDA Flats (Janta)  
G.T.B. Enclave, Near G.T.B.Hospital  
Delhi-31. .... Applicants

(By Advocate: Shri D.R. Gupta)

versus

1. Union of India, through  
the Cheif Commissioner of Income Tax(Admn)  
C.R. Bldg. I.P. Estate  
New Delhi-2.
2. Commissioner of Income Tax  
Delhi ICR Bldg. I.P.Estate  
New Delhi. .... Respondents

(By Advocate: Shri V.P.Uppal)

ORDER(Oral)

By Justice V.Rajagopala Reddy

The main relief that is pressed into service by the applicants is as to the promotion of the applicants to the post of UDC on regular basis with effect from 25.8.1994 and 8.4.1996 respectively as has been done by the respondents in the cases of S/Shri Ram Pal Singh, A.S.Bisht, C.S.Rawat and Veer Singh who are similarly situated as the applicants herein.

2. The case of the applicants is that in view of the judgment in Ram Pal Singh Vs UOI & Ors in OA.1007/89 rendered by the Principal Bench

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dated 9.8.1994 giving promotion to the applicant therein with effect from the date of his initial appointment on ad hoc basis as UDC, the applicants herein are also entitled for similar benefit of retrospective promotion.

3. We have perused the judgement in the above case. The Tribunal held that though the appointment of the applicant therein was described as ad hoc, in fact he was promoted on regular basis as per the rules of recruitment. Hence his promotion should be treated as regular promotion. Accordingly he was given the benefit of retrospective promotion from that date. It is also brought to our notice that the department has implemented the judgement and promoted the applicant therein with retrospective effect. Admittedly the applicants are senior to the applicant in the said OA. But in view of the judgment in above case, the applicants are now shown as juniors in the post of UDC and the subsequent posts.

4. Learned counsel for the applicants relies upon judgments in B.D.Verma Vs UOI (1997) 10 SCC 433, Balkishan Vs Delhi Admin. & Anr (1991) SCC L&S 879 and U.P.State Mineral Devpt. Corpn. Ltd. & Anr. Vs Vijay Kumar Upadhyay SLJ 1998(1) SC 165.

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5. We have perused the above judgements. In the first case viz. B.D.Verma Vs. UOI, it has been clearly held that the respondents having given the benefits of counting of period of ad hoc service for the purpose of seniority to the juniors, the Tribunal should not have denied the same benefit to the appellant therein and should not have treated the case in the manner different with the case of those officers. A direction was therefore given to respondents therein to count the period of ad hoc service of the appellant for the purpose of seniority as has been done in the case of his juniors. In the other two cases also the same view was taken.

6. Learned counsel for the respondents however contents that the relief prayed by the applicants at para 8.2 to treat them as regular LDCs from the date of their ad hoc appointment as LDC, cannot be granted. This contention need not be considered in this case as the applicants are not pressing the said relief.

7. In the circumstances, relying upon the judgements of the Supreme Court in B.D.Verma and the other two cases (supra) we allow the OA directing the respondents to consider the case of the applicants for treating them as having been

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promoted regularly from the date of their initial appointment on ad hoc basis in the post of UDC, as has been done in the case of Ram Pal Singh and others. No costs.

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*Shanta Shastry*  
(Smt. Shanta Shastry)  
Member (A)

*Rajagopala Reddy*  
(V. Rajagopala Reddy)  
Vice Chairman (J)