

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

DA 1149/1989

NEW DELHI, this 15th day of April, 1994

Shri N.V.Krishnan, Hon'ble VC(A)
Shri C.J. Roy, Hon'ble Member(J)

Shri Surjit Singh
s/o Shri Sunder Singh
r/o 2222, Gali Ravi Dass
Teliwara, Delhi-110006

.. Applicant

By Shri Raman Kapur, Advocate

Versus

Director General
Indian Council of Agricultural Research
Krishi Bhawan, New Delhi

.. Respondent

By Mrs. Vidhya Malik, Advocate

ORDER (Oral)

(By Hon'ble Shri N.V.Krishnan, VC(A))

This DA is before us for final hearing. None appeared for the parties though called twice. The case is listed at Sl.No.4 under the regular matters with a note to the Counsel that the first 10 cases are posted peremptorily for final hearing. Therefore, we ^{are proceeding} ~~are persuaded~~ to pass orders after perusal of the records.

2. The applicant here, who was an Assistant, was appointed to the higher post of Section Officer on ad hoc basis by the order dated 19.3.84 (Annexure A) for a short period upto 5.5.84 'or until further orders whichever is earlier'. The ad hoc appointment of the applicant as well as certain other persons continued from time to time upto the ⁱⁿ ~~beginning~~ of 1989. By order dated 31.10.88 the ad hoc appointment of 12 persons including the applicant has been continued upto 20.2.89 (Annexure D). Subsequently, by Annexure E order dated 23.3.89, the ad hoc appointment of three persons, including the applicant, was continued upto 22.3.89 only and they were reverted from the date of the issue of that order, i.e. 23.3.89.

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3. The applicant is aggrieved by this order because he has been reverted after a long spell of ad hoc appointment and his juniors are continuing as Section Officers. It is stated that his juniors S/Shri W.P. Kamboj, Chaman Lal and Dev Singh have been regularised as Section Officer under promotion quota ignoring him. He has, therefore, prayed for a direction to quash the impugned order dated 23.3.89 (Annexure E) as illegal and arbitrary,

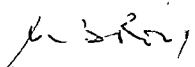
4. The respondents have filed their reply contending that the applicant was appointed on ad hoc basis pending regular appointment on the basis of the competitive examination. In other words, these persons were continued against the fortuitous vacancies. When the applicant became eligible for promotion, ^{his case} ~~he~~ was considered for the first time by the DPC on 12.5.88, ^{the} applicant was not found fit for promotion. His case was again considered by the DPC in March, 1989 and again he was not found suitable for promotion. ^{rough} ~~After~~ some of his juniors were found suitable by the DPC in accordance with the Rules ~~and~~ ^{and} they were regularised, ^{he was} ~~the applicant shall stand to be~~ reverted. Subsequently, another DPC was held, which has considered the latest records of the applicant, ^{and him} found fit for promotion and accordingly, he was recommended for ad hoc promotion by order dated 22.6.89 as regular vacancies were not available. In the circumstances, the respondents contend that the application is devoid of merits and deserves to be rejected.

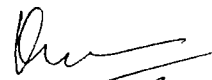
5. In the rejoinder filed by the applicant, the applicant's contention is that a temporary employee can not be reverted without being given an opportunity. He also expresses surprise how he has been found fit for promotion very soon after he was reverted in March, 1989.

6. We have considered the matter. It is quite clear that the applicant was initially appointed on ad hoc basis pending availability of candidates from competitive examination for the posts of Section Officer. That ad hoc promotion continued. His turn for consideration for promotion under promotion quota arose only in 1988. He was ^{found fit} not ~~considered~~ by the DPC and rejected. He was continued only on the ground that ad hoc vacancies were available. He was again found unfit by the next DPC and he has been reverted by the Annexure B order which therefore can not be faulted.

7. The respondents now claim that in the subsequent DPC, it considered the records ending 31.3.89 and he has been found ^ufit for promotion. This can not be considered as unusual because it is quite possible that the record of one year might make or mar the ^ucareer of an employee. He has been therefore promoted by the Annexure I order dated 22.6.89, which is stated to be ad hoc as no regular vacancies were available at that time.

In the circumstances, we find that this application has no merits and accordingly is dismissed.


(C.J. Roy)
Member (J)


18/4/89
(N.V. Krishnan)
Vice Chairman (A)

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