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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI
...

O.A.No.2219/89

Dated New Delhi, this the 11th day of August, 1994

Hon'ble Mr Justice D. L. Mehta, Vice Chairman (J)

Hon'ble Mr B. K. Singh, Member (A)

Shri Bhullan Singh

R/o Qr. No.739, Type-II

NH-4

FARIDABAD

... Applicant

By Advocate: None

VERSUS

Union of India through

1. Ministry of Environment &
Forest, Government of India
C.G.O. Complex, Lodhi Road
NEW DELHI

(through its Secretary)

2. National Wasteland Development
Board, Paryavaran Bhawan
NEW DELHI

(Through its Member Secretary)... Respondents

By Advocate: Shri K. C. Sharma

O R D E R
(Oral)

Mr Justice D. L. Mehta, VC (J)

The applicant alleges that the period of service rendered by him between 31.5.82 to 24.8.84 as Senior Technical Assistant on ad-hoc basis should be treated as regular service and to be merged in service as Research Investigator.

2. Brief facts of the case are that the applicant was initially appointed as LDC and he was appointed

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thereafter by way of promotion/selection with effect from 31.5.82 to 24.8.84 as Senior Technical Assistant on ad-hoc basis. There is a post of Research Investigator Grade-II which is filled up in the following way:-

50% by promotion, failing which by transfer on deputation;

50% by transfer on deputation/transfer.


The promotion quota is to be filled from Research Assistants (Statistics & Economics) with 5 years regular service in the grade and possessing at least a degree. Thus the case of the applicant does not fall within the promotion quota as he was not holding the post of Research Assistant(S&E) with five years regular service in the grade. The applicant was within the second category, that a person holding analogous post or with at least 5 years service in the post with a degree is eligible for selection to Research Investigator(S&E). The applicant's contention is that his service between 31.5.82 to 24.8.84 rendered as Senior Technical Assistant should be considered as regular service and should be merged in service as Research Investigator. Thus the present OA should be divided in two parts: one regular service and the other part is relating to the merger of the service rendered in the post of Research Investigator upon the change of post. So far as the first part is concerned,

his services should be counted for all purposes except seniority. A person cannot be deprived of his right and the right of past service rendered by him. So far as the second part is concerned, which relates to merger of the ^{earlier} service rendered in the post of Research Investigator, we are of the view this is a selection post as selection is conducted in consultation with UPSC as stated by the learned counsel for the Respondents, Shri K. C. Sharma and it was also submitted that this is a post ^{by} which a person is appointed only when he fulfils the necessary requirements. The only difference is that all Government employees whether they are in the same Department/Ministry or any other Ministry, are eligible and in the case of the open market, all citizens who are eligible can appear for selection. Thus it is a direct recruitment by way of transfer. For this reason, we disagree that the prayer, that the service rendered earlier should be merged with the service rendered in the post of Research Investigator by the applicant. The applicant will only get seniority in the post of Research Investigator from the date on which he was appointed on the said

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post. The OA is disposed of accordingly but without
any order as to costs.


(B. K. Singh)
Member (A)


(D. L. Mehta)
Vice Chairman (J)

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