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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
By Advocate: None

... Applicant

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 LIC and he was appointed

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 atleast

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 devided

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

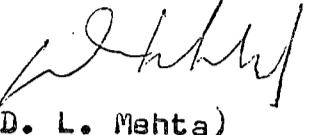
of post. So far as the first part is concerned,

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 earlier to merger of the 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 fulfills 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

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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