

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

O.A. 1713/88.

Date of decision

23/10/92

Shri Bhupinder Kumar ... Applicant

v/s

Union of India & Ors. ... Respondents

CORAM:

Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman (J)

Hon'ble Mr. I.P. Gupta, Member (A)

For the Applicant ... Shri T.C. Aggarwal, counsel

For the Respondents ... Mrs. Raj Kumari Chopra,
counsel.

(1) Whether Reporters of local papers may be
allowed to see the Judgement ?

(2) To be referred to the Reporter or not ?

JUDGEMENT

Delivered by Hon'ble Mr. I.P. Gupta, Member (A) 7

This is an application filed under Section 19.

of the Administrative Tribunal Act, 1985. The

applicant joined civil services as L.D.C. on

28.1.1956 in the Directorate General of All India

Radio and was inducted to Central Secretariat

Stenographers' Service as a Grade 'D' Stenographer

on 1.8.1969 wherefrom he was promoted as ad hoc

stenographer 'C' grade with effect from 30.11.1976.

The ad hoc appointment was on a purely provisional basis with effect from 30.11.1976 till 31st July, 1977 or till select list officers became available whichever was earlier.

2. The applicant was included in the zone for temporary promotion against long-term vacancy by the letter of Ministry of Information & Broadcasting dated 7.5.1979. Long-term appointment means appointment for indefinite period as distinguished from a purely temporary or ad hoc appointment like appointment against leave or other local vacancy.

3. The applicant was found fit for promotion as Stenographer Grade 'C' on long-term basis. The counter has stated that his name was intimated to DPAR to allot the applicant to the Department of Power. The position was, however, reviewed by the Ministry of Information and Broadcasting and it was found that the applicant could have been adjusted in the Ministry of Information and Broadcasting itself as adequate number of long-term vacancies were available at that time. DPAR was, therefore, requested to

h.s.

re-allocate the applicant to the Ministry of Information and Broadcasting instead of the Department of Power. This request was accepted by the DPAR and the name of the applicant was re-allocated to the Ministry of Information and Broadcasting for appointment as Stenographer Grade 'C' on long-term basis by their memo. dated 25.9.1979. The respondents have admitted that due to oversight no action was taken to appoint him in the Ministry of Information and Broadcasting on long-term basis and the applicant continued to officiate as a Stenographer Grade 'C' on ad hoc basis. He was appointed as a Stenographer Grade 'C' on long-term basis with effect from 19.7.1982.

4. The applicant has prayed for the relief that the respondents should be directed to treat the applicant's seniority in the select list of Central Secretariat Stenographers' Service with effect from 30.11.1979 with all consequential benefits.

5. The respondents have taken the plea that while there was a mistake in not appointing the applicant in the Ministry of Information & Broadcasting

on long-term basis from 1979 yet the inclusion of the applicant in the select list of Grade 'C' of Central Secretariat Stenographers' adversely Service has not been/affected in any way by the delay in his promotion on long-term basis.

6. In view of the above facts it is evident that a mistake occurred in not appointing the applicant on long-term basis in 1979. The respondents are directed to promote the applicant as a Stenographer Grade 'C' on long-term basis from an appropriate date in 1979. Such a long-term appointment as Stenographer Grade 'C' should be treated as approved service, in accordance with the definition of 'approved service' in the Central Secretariat Stenographers' Service Rules, 1969 where it has been laid down that -

"Approved Service" in relation to any Grade means the period or periods of service in that Grade rendered after selection, according to prescribed procedure, for long-term appointment to the Grade, and includes any period or periods during which an officer

(13)

would have held a duty post in that

Grade but for his being on leave or

otherwise not being available for

holding such post."

7. The procedure for the select list for recruitment to Grade II of the service is, however, laid down in the Fifth Schedule to the CSSS Rules, 1969 and, therefore, the inclusion of the applicant in the select list should be considered in accordance with the rules after counting his approved service from 1979.

8. With the aforesaid observations and directions, the case is disposed of with no orders as to costs.

I.P. Gupta

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Member (A)

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Ram Pal Singh
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Vice-Chairman (J)