

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 271 1988
T.A. No.

DATE OF DECISION 8.4.1988

Applicant

Shri C.L.Kisan

Petitioner

Applicant

Shri J.K.Bali,

Advocate for the Petitioner(s)

Versus

Union of India & others

Respondents

None

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman

The Hon'ble Mr. Kaushal Kumar, Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether to be circulated to all the Behces? *No*

✓ *K. Kumar*
(Kaushal Kumar)
Member

K. Madhava Reddy
(K. Madhava Reddy)
Chairman

8.4.88

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PRINCIPAL BENCH: NEW DELHI.

O.A. NO. 271/88

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Shri C.L. Kisan

.... Applicant.

Versus

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.... Respondents.

Coram:- Hon'ble Mr. Justice K. Madhava Reddy, Chairman
Hon'ble Mr. Kaushal Kumar, Member.

Present:- Applicant through Shri J.K. Bali, Advocate.

(Judgement of the Bench delivered by Hon'ble
Mr. Justice K. Madhava Reddy, Chairman).

The applicant was a Deputy Chief Electrical
Engineer and retired from service on 30.6.1987 on
attaining the age of superannuation. In this application
under Section 19 of the Administrative Tribunals Act,
1985, he seeks a direction against the Respondents
" to treat me as having been promoted to SA Grade from
the date my junior Shri D.K. Das was promoted on South
Eastern Railway i.e. w.e.f. 21.9.84 with all consequential
post retirement benefits". The applicant's representation
in this behalf was rejected by the Respondents on 11.5.87.
By that letter the applicant was informed of their inability
to agree to his promotion as none of his juniors had been

contd.....



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appointed to officiate in SA Grade on/regular basis.

His subsequent representations were also rejected and the final order dated 23.10.1987 was made by the Ministry of Railways and communicated to the applicant. That order reads as under:-

" The undersigned is directed to refer to your letter dated 20.7.87 addressed to Ministry of Personnel, Public Grievances and Pension on the above subject and to state that at the time of your superannuation on 30.6.87 some officers senior to you were still awaiting regular appointment to SA Grade on Northern and other railways. In regard to the names of S/Shri D.K.Das, Arvind Sharma, B.C. Khazanchi and V.N. Garg mentioned by you, these officers were detailed to look after duties of SA Grade posts purely on ad hoc basis on their JA Grade pay plus a charge allowance as admissible under the rules. Such arrangements are sometimes necessitated to meet the local requirements on that particular railway. No benefit can, however, be claimed by officers working on other railways with reference to such ad hoc looking after arrangements.

2. In view of the above position, it is regretted that your request for retrospective appointment in SA Grade with reference to ad hoc looking after arrangements on other railways cannot be agreed to".

2. From this order, it is clear that the appointment of S/Shri D.K. Das, Arvind Sharma, B.C. Khazanchi and V.N. Garg was purely on/ad hoc basis on their JA Grade with a charge allowance as admissible under the Rules. The final order rejecting his claim also further states that such arrangements

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are sometimes necessitated to meet the local requirements on that particular railway. It was also clarified that no benefit can, however, be claimed by officers working on other railways with reference to such ad hoc "looking after" arrangements.

3. The applicant's claim that he should be promoted with effect from the date Shri D.K. Das was promoted because he was senior to him cannot be accepted for more than one reason. Firstly it was an ad hoc arrangement and secondly it was a local arrangement. No person can claim ad hoc promotion. As regards his further claim that even if the appointments are to be made on ^{an} ad hoc basis seniors should not be overlooked, even then admittedly there were other persons senior to him who were also not appointed. Lastly, any ad hoc arrangement made would have been for a period of three to four months as per the standing instructions; the appointment of Shri D.K. Das and three others referred to above on ^{an} ad hoc basis cannot be held to be bad. The applicant has retired from service. Even if ad hoc appointments were bad, after the applicant has retired, he cannot claim ad hoc promotion in their place. Admittedly no one junior to him had been promoted on ^a regular basis. In the circumstances, mere statement that Shri D.K. Das and three others should not have been appointed on ^{an} ad hoc basis, has become wholly academic and no relief can be granted to the



applicant. That apart it would appear that Shri D.K. Das and these three others were only detailed to look after the duties of SA Grade posts purely on an ad hoc basis on their JA. Grade plus a charge allowance as admissible under the Rules. This order was made in the exigencies of service and does not in any way affect the rights or the service conditions of the applicant. This application is without merit and is accordingly dismissed.

K. Madhava Reddy
(KAUSHAL KUMAR)
MEMBER
8.4.88

K. Madhava Reddy
(K. MADHAVA REDDY)
CHAIRMAN
8.4.88