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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 303
T.A. No.

1988.

DATE OF DECISION April 5, 1988.

Shri Prem Lal, Petitioner

Applicant in person.

Advocate for the Petitioner(s)

Versus

Union of India & Ors Respondents.

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 other Benches ? *No*


(Kaushal Kumar)

Member
5.4.1988.


(K.Madhava Reddy)

Chairman.
5.4.1988.

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

REGN. NO. OA 303/1988.

April 5, 1988.

Shri Prem Lal Applicant.

Vs.

Union of India & Ors Respondents.

CORAM:

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

Hon'ble Mr. Kaushal Kumar, Member.

For the applicant ... Applicant in person.

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

This is an application under Section 19 of the
Administrative Tribunals Act, 1985 by ^aCardiac Catheterisation
Technician of the Safdarjang Hospital, New Delhi for
appointment to the post of O.T. Supervisor. This post is
said to be lying vacant ever since Shri Balraj Singh,
Ex.Pump Technician having been promoted ad-hoc to that
post retired in November, 1985. The applicant states that
he had made a representation to the Medical Superintendent,
Safdarjang Hospital that as he is the seniormost person
eligible for the post of O.T. Supervisor lying vacant,
he may be appointed. In reply to that representation, he
was informed that "draft recruitment rules has been sent
to D.G.H.S. for approval classifying the post as Group 'B'".

Suraj

Obviously because the draft recruitment rules are under approval and have yet to come into force, no appointments were made for the last 2½ years. No public servant can claim appointment to any post by way of promotion as of right. Further, any promotion has to be claimed in accordance with the Rules. Admittedly, none junior to the applicant has so far been appointed either on an ad-hoc basis or on a regular basis to the post now claimed by the applicant. No direction can be issued to the respondents to necessarily fill up the post on/ad-hoc basis pending finalisation of the rules. Nor does the applicant has a right to ad-hoc promotion. In the circumstances, this application is dismissed. Nothing said herein will stand in the way of the applicant seeking consideration of his promotion in accordance with the Rules or seeking his appointment even on ad-hoc basis, if any of his juniors is appointed.


(Kaushal Kumar)
Member
5.4.1988.


(K. Madhava Reddy)
Chairman
5.4.1988.