

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(16)

1. O.A. No.305/88
MP-1331-92

DATE OF DECISION 11-5-93

Sh. S.K.Sharma Applicant

Vs.

U.O.I. & Others Respondents

FOR THE APPLICANT Sh.V.S.R.Krishna, counsel

FOR THE RESPONDENTS Sh.K.C.Mittal, counsel

2. O.A. No.267/88
MP 1697/92

Sh.A.Subramanium Applicant

Vs.

U.O.I. & Others Respondents

FOR THE APPLICANT Sh.V.S.R.Krishna, counsel

FOR THE RESPONDENTS Sh.K.C.Mittal,

CORAM

Hon'ble Member Sh. B.N.Dhoundiyal, Member(A)

Hon'ble Member Sh.B.S.Hegde, Member(J) *1175*

ORAL JUDGEMENT

Delivered by Sh.B.N.Dhoundiyal, Member(A)

Two applicants, S/Shri S.K.Sharma and Sh.A.Subramanium were appointed as Junior Hydrogeologists in the Central Ground Water Board, Ministry of Water Resources, New Delhi on 23-10-1969 and Aug./Oct., 1970 respectively. Both were promoted as Senior Hydrogeologists on 20-11-1981 and continued working on adhoc basis till

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they were regularised on the basis of the recommendations of the D.P.C. w.e.f. 3-2-1983. In these applications, they have prayed for the following reliefs:-

- a) That the adhoc service, followed by Regular Service should be counted and be treated as continuous Regular Service and it be held that the petitioner completed the requisite period of five years regular service on 15 December, 1986 and accordingly the petitioner is eligible to be considered for promotion to the post of Scientist 'D' under the Flexible Complementary Scheme. Rule 3(c) of Recruitment rule be ordered to be quashed.
- b) The petitioner be also interviewed alongwith other candidates on 22nd February, 1988/ 23rd February, 1988.
- c) Any other relief which this Hon'ble Court may deem fit and proper in the circumstances of the case be also granted.

2. In both the cases, the Tribunal vide their order dated 23-2-1988 granted Interim Relief and directed the respondents to interview the applicants and consider them alongwith others for being selected and appointed to the post of Scientist Grade 'D'. On 23-8-88 counsel for the respondents Sh.K. Mittal, stated that the applicants have been selected and included in the panel for the post of Scientist Grade 'D' but all the 29 officers who have so far been appointed are senior to them. They ^{also} ~~say~~ that the Assessment Board already confirmed that the applicants were found suitable for promotion as Scientist Grade 'D' in 1988.

3. The applicants have requested that their services on adhoc basis as Senior Hydrogeologist should be counted for the purpose of seniority. However, this application has been overtaken by order issued by the Ministry of Water Resources on 28-6-1988 whereby, it is stated that the Review D.P.C. have recommended both the applicants to be appointed as Senior Hydrogeologists for the vacancies that occurred in the year, 1982; follow up orders for fixation of their seniority from a specified date in 1982 and giving effect to the evaluation mode for the higher post of Scientist Grade 'D' are yet to be passed.

4. In the conspectus of the facts and circumstances of the case, we dispose of these applications with the following directions/orders:-

- 1- Respondents shall fix the seniority of the applicants as Senior Hydrogeologists on the basis of their letter dated 28-6-1988 intimating that they have been recommended for the vacancies occurring in the year 1982.
- 2- On the basis of their revised seniority they have to be assessed by Assessment Board under the Flexible Complementary Scheme for promotion as Scientist Grade 'D' from the date they have become eligible for such promotion. If such assessment has already been made and the applicants have been found fit for promotion, the required orders should be passed

expeditiously.

3. These orders shall be complied with expeditiously, and preferably within a period of three months from the date of communication.

5. No order as to costs. Let a copy of this order be placed in both the files.

B.S. Hegde
(B.S. HEGDE)

MEMBER (J)

B.N. Dhandiyal
(B.N. DHUNDIYAL)

MEMBER (A)