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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH, NEW DELHI.

O.A.No.406 of 1988 . Date of Decision: 5.7.1993.

P.N.Sehgal & others.....Petitioners.

Versus

Union of India & othersRespondents.

Present: Shri Ashish Kalia-counsel for the petitioners.

Shri K.C.Mittal, counsel for the respondents.

CORAM:

Hon'ble Mr.Justice V.S.Malimath, Chairman.

Hon'ble Mr.S.R.Adige, Member (A)

JUDGMENT

(By Hon'ble Mr.Justice V.S.Malimath, Chairman)

The four petitioners in this case started their career as Lower Division Clerk, in the Ministry of Human Resources Development, Department of Education. In due course, they were promoted as Grade III or Grade D Stenographer between 1969 and 1972. They were subsequently promoted on adhoc basis as Grade C Stenographer between 1971 and 1978. In due course, they were given temporary appointment against long term vacancies between 1979 and 1982. The prayer of the petitioners in this application is for a direction to regularise the service as Stenographer Grade III/C with effect from the date from which they were originally appointed to that cadre on adhoc basis .

2. In the reply filed relevant information has been correctly furnished. So far as four petitioners are concerned, they were appointed on adhoc basis as Grade C Stenographers on 29.10.74, 5.7.75, 15.10.71 and 5.5.78 respectively. They were further appointed on a temporary long term basis on 2.2.79, 19.7.80, 23.2.80 and 23.2.80 respectively. The only contention of the petitioners is that they have functioned as Stenographer Grade C for several years and they should


be regularised as Stenographer Grade C with effect from the date of their original appointment on adhoc basis. The original application was filed in the year 1988. It cannot be said that the petitioners were functioning as Stenographer Grade C for a ~~reasonable~~ long period justifying the invoking of any equitable principle in their favour. What was, however, highlighted by Shri Mittal, learned counsel appearing for the respondents is that no relief can be granted to the petitioners on the facts of the case quite contrary to the express statutory provisions which regulate not only regular promotions but temporary appointment on long term basis and adhoc appointment to the cadre in question. Rule 12 of the Central Secretariat Stenographers Service Rules, 1969, which came into force on 1.8.69, provides that "(1) Substantive vacancies in Grade C of the service in any cadre shall be filled by the substantive appointments of persons included in the Select List for the Grade in that cadre such appointments being made in the order of seniority in the Select List except when for reasons to be recorded in writing a person is not considered fit for such appointment in his turn."


It further provides that "(2) Temporary vacancies in Grade C of the service in any cadre shall be filled by the appointment of persons included in the Select List for the Grade in that cadre. Any vacancies remaining unfilled thereafter shall be filled by temporary promotion on the basis of seniority, subject to the rejection of the unfit of officers of Grade D of the service in that cadre who have rendered not less than five years approved service in the Grade and are within the range of seniority. Such promotions shall be terminated when persons included in the Select List for Grade C become available to fill the vacancies."

3. Rule 13 speaks of appointment on a dhoc basis to Grade C and other Grades in ^a situation when regular appointment and also temporary appointment according to Rule 12 is not possible. It is thus clear that the entire scheme regarding adhoc appointment, tempoary appointment and regular appointment on substantive basis is covered by the express statutory provisions.

Their ~~claim~~ stipulates the conditions when an appointment can be made substantively, on temporary basis and also on adhoc basis. The petitioners cannot call upon us to issue a direction regarding regularisation of their services quite contrary to the statutory provisions referred to above.

4. From the material placed before us, we are satisfied that all the petitioners were appointed purely on adhoc basis under Rule 13 and they were later on appointed under Rule 12(2) in the tempoary vacancies in Grade C. No substantive appointment can be made in respect of temporary vacancies. Substantive vacancies are required to be filled up according to Rule 12(1) on the basis of Select List prepared for the purpose. It is nobody 's case that the petitioners' names were included in any Select list prepared for the purpose of making substantive appointment to Grade C. We ^{have} therefor no hesitation in holding that the petitioners have not laid any foundation for their claim for regular appointment as Stenographer C with effect from the date on which they were originally appointed on adhoc basis. We, therefore, see no good ground to interfere. Application fails. No costs.


(S.R. ADIGE)
MEMBER (A)


(V.S. MALIMATH)
CHAIRMAN.