

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A.435/88

Date of decision: 22.9.1993

Shri Ved Pal & Ors.

... Petitioners.

Versus

Union of India
through The Secretary,
Ministry of Information
and Broadcasting,
New Delhi.

... Respondent.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. S.R. ADIGE, MEMBER(A).

For the petitioners - None.

For the respondent - Mrs Raj Kumari Chopra,
Counsel.

JUDGEMENT (ORAL)

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

The petitioners are all Group'D' employees. They were promoted between 1982 and 1986 purely on ad hoc basis as Lower Division Clerks for the specified period or till the qualified candidates selected in accordance with the rules become available to replace them whichever is earlier. Apprehending their reversion, they approached the Tribunal for a direction not to revert them and also to regularise their services as Lower Division Clerks. It is obvious from the materials placed before us that promotions given to the petitioners were by way of stop-gap arrangement, as is clearly stated in the orders, pending availability of candidates selected in accordance with the rules. The rules provide that 5% of the vacancies shall be filled up on the basis of qualifying exami-

nation held by the Staff Selection Commission, 5% of the vacancies to be filled by promotion on the basis of seniority subject to the rejection of the unfit from amongst Group 'D' employees who are within the range of consideration^{and} who are educationally qualified. The remaining 90% of the vacancies are required to be filled up by direct recruitment on the basis of a competitive examination held by the Staff Selection Commission. If in the face of statutory provisions, some ad hoc promotions are made pending filling up the vacancies in accordance with the rules, the petitioners who are appointed as a stop gap arrangement, in the circumstances, cannot complain about reversion when that become necessary nor they can be regularised in contravention of the statutory provisions regulating promotions recruitment. That being the position, no relief as claimed by the petitioners, can be granted. It is necessary to advert to the interim order made during the pendency of these proceedings which says that the petitioners need not be reverted unless it is necessary to do so having regard to the exigencies of service or the selected candidates — regularly recruited in accordance with the law/ have to be accommodated. As and when it becomes necessary to displace the ad hoc appointees, it should be done following the principle of 'First come last go'. This principle ought to be followed in this case as well.

2. With these observations, this application is dismissed.

No costs.

S.R. Adige
(S.R. ADIGE)
MEMBER(A)

V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN