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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No. 1089/88

Dated: 5.10.1993

Kanwal Kishore Gupta

Applicant

vs.

Union of India, M/o Welfare

Respondents.

None for the applicant.

Shri P.P. Khurana, Counsel for the respondents.

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JUDGMENT (ORAL)

The applicant has been working as Assistant in the Ministry of Welfare. The grievance of the applicant has been that of cancellation of his candidature for the post of Section Officers/Stenographers (Grade 'B'/Grade 'I') Limited Departmental Examination 1987 on the ground of non-completion of the condition of 5 years approved and continuous service. The applicant has also assailed the O.M. dated 23rd May 1988 and August 1988. He prayed for grant of relief to the extent that direction be issued to the respondents to treat the period/w.e.f. 17.12.81 onwards be considered as approved and continuous in terms of definition under Rule 2(c) of the CSS Rules 1962 for all purposes i.e. for the purpose of seniority and promotion to higher grade. He has also prayed that his candidature for Limited Departmental Examination be held valid. By the order of this Tribunal dated June 10, 1988 one post of Section Officer was kept vacant ~~xx~~ till 23.6.88. That interim order continued.

2. The respondents contested the application and in their reply they opposed the grant of relief. It is contended that the

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applicant was appointed as Assistant in the Ministry of Social Welfare on November 16, 1982 and he had not completed the requisite 5 years service on July 1, 1987. Therefore he was not eligible to appear in the Section Officers Grade Departmental Competitive Examination 1987. It is further contended that the applicant has officiated for short spells as Assistant in the Directorate General of Civil Aviation from 1.7.81 on ad hoc basis. This Ministry (of Tourism) consequently intimated that sufficient number of vacancies of Assistants were not available in the cadre of that Ministry and hence the applicant might not be promoted to the Assistant Grade on a long-term basis in the Ministry. The applicant was therefore asked to move out ~~xxx~~ of Ministry in order to get the benefit of long-term officiation. When he was given this option the applicant was nominated to Ministry of Social Welfare where he was appointed as Assistant from November 16, 1982.

3. Since this is an old matter, we have gone through the pleadings of the parties and various annexures annexed with the pleadings and also perused ~~o~~ the rejoinder. The facts are not disputed by the contending parties. It is averred on behalf of the applicant that he is entitled to count his ad hoc service he has put in on the post of Assistant while he was serving in the Ministry of Tourism. In view of this it is contended that he should have been allowed to take the Examination in 1987.

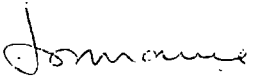
4. Since the applicant is not present to substantiate how his ad hoc service can be counted when it is not in conformity with the Rule ^{2(e)} 6 of CSS Rules 1962, the service put in by him ^{on short spells in Min of Tourism} on the

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post of Assistant cannot be taken to be regular service.

5. In view of the facts and circumstances of the case the ~~xxx~~ application is dismissed as devoid of merits. There will be no orders as to costs.


(B.K. Singh)
Member (A)


(J.P. Sharma) 5.10.93
Member (J)

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