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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 140 of 1985
TAX NO.

DATE OF DECISION 9. X. 86.

Shri Krisham Lal Petitioner

Shri Rajiv Khosla Advocate for the Petitioner(s)

Versus

Union of India Respondent

Mrs. Avinash Ahlawat Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. S.P. MUKERJI , ADMINISTRATIVE MEMBER

The Hon'ble Mr. H.P. BAGCHI , JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *NO*

[Signature]

[Signature]

and through a DFC ~~and~~ ^{or} was promoted further on 9.6.72 as post Mortem Technician in the Police Hospital Delhi doing medico legal post mortem cases.

On 1.1.85 he was promoted from the post of post Mortem Technician in the scale of Rs. 330-560 to the post of post Mortem Technical Assistant in the scale of 425-700 on ^{ad hoc} purely and emergent basis for a period of three months or till such time the post is filled up by the regular incumbent whichever is earlier. It was also mentioned in the promotion order (Annexure H to the Petition) that "the ad-hoc promotion to the post of post Mortem Technical Assistant shall not give Shri Krishan Lal, any right to claim the post on regular basis." On the same date, in continuation of the promotion order ~~(Annexure J to the Petition)~~ ^(Annexure J) the Civil Surgeon, Civil Hospital, Delhi where he was posted on promotion issued further orders taking him on the strength of the hospital on the post of post Mortem Technical Assistant repeating that the promotion is 'on purely ad-hoc basis for a period of three months, or till such time the post is filled on regular basis whichever is earlier. Shri Krishan Lal will not have any right to claim this post on regular basis.' On 2.4.84 the Recruitment Rules for filling up the post of Technical Assistant and Laboratory Assistant were framed whereby these posts in various Hospitals were clubbed together. The DPC met on 4.1.86 for conducting selection for filling up eight posts amongst which the post held by the petitioner on an ad-hoc basis

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was also included. The DPC considered the cases of 24 Laboratory Technicians including the petitioner who was ranked at no. 18 in the seniority list but the petitioner was not included in the list of recommended promotees. The contention of the petitioner is that he has been holding the post of Post Mortem Technician Assistant having worked as Post Mortem Technician and Post Mortem Assistant and his non-selection for the post of Post Mortem Technical Assistant in preference to others who have had no experience in post mortem is unfair. The respondents have nothing much to aver except the facts of the case and state that in accordance with the Recruitment Rules posts of Technical Assistants in various disciplines had been grouped and the duly constituted DPC had met and considered the case of petitioner also but recommended others.

3. We have heard the arguments of the learned counsel for both the parties and gone through the documents to assure ourselves that the post of Post Mortem Technical Assistant which the petitioner had been holding on an ad-hoc basis was included in the list of vacant posts for which the DPC had met on 4.1.86 and the case of the petitioner also had been duly considered. Having examined the documents produced by the learned counsel for the respondents we were convinced that the post of Post Mortem Technical Assistant had been included as the post of Technical Assistant (Forensic Medicine) amongst the eight posts which were to be filled up through the DPC.

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We examined the file in which the selection was processed. We also examined the assessment sheet on which the grading done by the DPC of the various candidates was indicated. It was evident that the petitioner was considered along with other 24 candidates amongst whom the petitioner was listed at serial no. 18 and was adjudged 'good' by the DPC. There were eight 'good' candidates above him and five 'very good' in the whole list. Nine names were recommended by the DPC including two scheduled caste candidates in the list. The list which was considered by the DPC indicated also the date of regular appointment as Laboratory Technician. The petitioner's name was correctly indicated at ^{serial} roll no. 18 in the list on the basis of his admitted date of appointment as Laboratory Technician on 9.6.72. With eight 'good' candidates above him and five 'very good' candidates in the zone of selection the petitioner who was assessed only as 'good' ^{could} ~~could not~~ naturally be included in the panel of nine candidates which was prepared by the DPC including two scheduled caste candidates in the reserve quota. Accordingly we were satisfied that the petitioner could not have been included in the panel of 9 names on merits.

4. As regards the petitioner's contention that with his experience in the post mortem work he should have been given preference to ^{others} ~~others~~, this is a matter entirely for the DPC and we do not find any valid reason to question the selection made by the DPC. The petitioner's contention that he was not considered by the DPC at all

is entirely incorrect as the documents shown to us indicate. We see no reason to question the Recruitment Rules in which the posts of Laboratory Technicians and Technical Assistants in various disciplines had been clubbed.

5. The promotion of the petitioner as Technical Assistant was purely on an ad-hoc basis and as quoted above it was made clear in the orders of promotion that the promotion was ad-hoc and for a period of three months or till the regular appointee is selected and that ad-hoc promotion will not confer any right to claim the post on a regular basis. In view of the facts and circumstances mentioned above we do not find any force in the petition and dismiss the same. There will be no order as to costs.


(H. P. BAGCHI)


(S. P. MUKERJI)

9.10.86