

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
N E W D E L H I

O.A. No. 882/86
T.A. No.

199

DATE OF DECISION 30.07.91

<u>A.S.RAKSHIT/T.PARTHASARATHY</u>	Petitioner
<u>None</u>	Advocate for the Petitioner(s)
Versus	
<u>Union of India</u>	Respondent
<u>Shri M.L. Verma</u>	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. ^{JUS}U.C. SRIVASTAVA VICE CHAIRMAN

The Hon'ble Mr. I.P. GUPTA, MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(JUDGEMENT of the Bench delivered by
 Hon'ble Shri U.C. Srivastava)

This petition was earlier filed by two applicants, namely, A.K. Rakshit, applicant No.1 and T. Parthasarathy, applicant No.2, out of which applicant No.1 died during the pendency of the application. The applicant No.2 now is the sole applicant in this case and wanted to represent in person though he is not present today. Even on the last three occasions, the applicant was not present. After going through the pleadings, we are closing this case.



2. Vide order dated 24.06.1985, the applicant was informed that vide the recommendations of the DPC, the President has been pleased to appoint the applicant to the grade of Director/S.E. (C&M (OG) in the scale of Rs.1500-2000/- w.e.f: 29.05.1985 in the Central Water Commission, Ministry of Water Resources. This appointment was on ad-hoc basis till the date of regular appointment. The applicant has pleaded that ad-hoc appointment in the Ministry can be made only in unavoidable circumstances for a maximum period of six months but the applicant and other persons were allowed to continue as such. Thereafter the DPC for considering promotion in CWES (Group 'A') to the grade of Director/ SE(OG) appears to have met during the six years 1980-85 only twice, i.e. in October, 1982 and May, 1985. The DPC panel for promotion to the grade of Director/SE(OG) of October, 1982 appears to have ended 2 and 4 places above the names of the applicants No.1 and 2 respectively. The issue that has arisen out of the facts is where inordinate delays in convening DPC without due regard to O.M. dated 30.12.1976 of the DPAR resulted in prolonged ad-hoc service in higher grade to officers belonging to an organised service cadre who may have vested right in being considered for promotion to the said higher grade; whether denial of benefits of such ad-hoc service in the respective higher grade by applying O.M. dated 29.10.1975 was in accordance with the

directives of DPAR. If such directives are intended to deny benefits of ad-hoc service on the consideration that ad-hoc promotions are only fortutious, whether such directives are needlessly harsh and deny natural justice to cadre officers.

3. In their counter reply the respondents have contended that according to the Central Water Engineering (Group-A) Service Rules, 1982, the posts of Director/Suptd. Engineer(Junior Administrative Grade) (Ordinary Grade) are filled 75% by promotion and 25% by transfer on deputation. The departmental officers in the grade of Deputy Director/Executive Engineer (Sr. Time Scale) with five years service in the grade, are eligible for promotion to the grade of Junior Administrative Grade(JAG). The post of the Director /Suptd. Engineer is a selection post. The eligibility list is three times the number of vacancies for a particular year for which the select list is to be drawn. The panel is drawn up to the extent necessary depending upon the number of vacancies for a particular year and the persons excluding those considered unfit are classified by the DPC as 'outstanding', 'very good' and 'good' on the basis of their merit as assessed by the DPC after examination of their respective records of service. The inter se seniority of the officers

belonging to any one category would be the same as their seniority in the lower grade. The DPC in its meeting held on 01.10.1982 had prepared the select list/panel for promotion to the grade of Director/Superintendent Engineer (JAG (OG) of Central Water Engineering (Group 'A') Service Officers for the year 1980, 1981 and 1982. The number of vacancies for which the panel was drawn was 4 for 1980; 12 for 1981; and 14 for 1982. The last person included in panel was 3 places above one applicant and 5 places above the other applicant.

4. The Select List Panel for 1983 and 1984 was drawn up by DPC on 29.5.85. The applicants were included in the panel for 1983 and they were duly appointed on regular basis w.e.f.29.5.85. The last person promoted from the panel of 1982 was on 25.2.83. The applicant's pay have been fixed by counting ad-hoc service. They have been accorded seniority on the basis of position in the panel for the grade of Director/SE. In view of these facts, the application is dismissed.

5. There shall be no order as to the costs.


(I.P. GUPTA)
MEMBER


(U.C. SRIVASTAV)
VICE CHAIRMAN