

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA 1278/87

Date of decision: 7-1-93.

S.L.Prakash

...Applicant

Versus

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Union of India

...Respondent

CORAM:

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

For the applicant ...None

For the respondent ...Shri K.C.Mittal, Counsel

JUDGMENT (ORAL)

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

None appears for the petitioner. As this is a very old case, we consider it proper to dispose of the matter after perusal of the records and hearing the learned counsel for the respondent.

2. The petitioner was promoted as Sr. Intelligence Officer on ad hoc basis on 29-10-1983. He came to be reverted on 4-3-1986 as he was not selected for regular promotion to the said cadre by the Union Public Service Commission. It is in this background that the petitioner has approached this Tribunal challenging his reversion.

3. In the reply filed by the respondents, the relevant facts have been furnished. It is clear from the same that when the new posts of Sr. Intelligence Officer were created for meeting the administration's necessities, the department took steps to fill up those posts on ad hoc basis pending framing of the regular recruitment rules. The order of appointment of the petitioner states that the appointment was on ad hoc basis as is clear from Annexure A-2

produced in this case. Note (3) to paragraph 2 of Order of appointment specifically states that the ad hoc promotions/appointments are liable to be terminated without notice either prior to or at the end of the six months' period, as and when the recruitment rules for the post of Sr. Intelligence Officers are notified and the regular selection panels drawn up by the UPSC become available. The petitioner himself has produced a copy of the statutory rules framed by the President in exercise of the powers conferred by the proviso to Article 309 of the Constitution. These rules were made in the year 1986. They prescribed 8 years of regular service in the feeder category for eligibility for consideration for promotion to the cadre of Sr. Intelligence Officer. It is in this background that the UPSC examined the cases of those who had been appointed on ad hoc basis subject to the conditions aforesaid pending framing of the regular recruitment rules. The UPSC took the view that only such persons who answered the eligibility criteria of 8 years of regular service should be promoted as Sr. Intelligence Officer even in respect of the vacancies of the year 1983. As the petitioner had not acquired eligibility by putting in the requisite period of 8 years service as in the year 1983, the UPSC did not recommend his case for regular promotion. It recommended regularization of those who had completed 8 years of regular service on that date. The recommendation made by the UPSC was accepted and the petitioner was reverted as he was not found eligible. The action taken by the authorities in the light of the recommendations of the UPSC cannot be faulted. The petitioner having been appointed on ad hoc basis subject to the conditions that his services are liable to be terminated without notice at any time pending ^{notification of} recruitment rules, he had no title to the post. As the date on which regular promotions were effected rules were not in force, they were effected by adopting a uniform eligibility criteria for

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promotion which were on par with the prescription by the rules. We, therefore, do not find any infraction of any provision either statutory or constitutional. Hence, our interference in the order of reversion made by the respondent is not called for.

4. For the reasons stated above, this petition fails and is dismissed.

No costs.

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

Malimath
(V.S. MALIMATH)

CHAIRMAN

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