

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN.NO. D.A.1471/87.

DATE OF DECISION: 17.2.1993

P.N. Khosla.

... Petitioner.

Versus

Union of India & Ors.

... Respondents.

CORAM: THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner.

... Petitioner in person.

For the Respondents.

... Shri Vijay Mehta, proxy
for Shri N.S. Mehta,
Sr. Standing Counsel.

JUDGEMENT (ORAL)

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

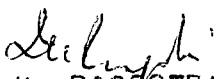
The petitioner was holding the post of Health Education Technician Grade-II (Editorial Hindi) in the Central Health Education Bureau. He was given ad hoc promotion by order dated 3.10.1978 produced as Annexure A-II to Health Education Technician Grade-I (Editorial Hindi) in the vacancy of Shri Pooran Mal. The order in express terms says that the appointment is only on an ad hoc basis and it will not bestow a claim for regular appointment and ad hoc service rendered by him would not count for the purpose of seniority in the grade and for eligibility for promotion and confirmation. Subsequently, his services were regularised w.e.f. 25.3.1983. A seniority list of Health Education Technician Grade-I was prepared in which the petitioner's name was included at the appropriate place taking 25.3.1983 as the date of his promotion. The name of Shri Saxena has been placed above him as he came to be directly recruited by the

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Union Public Service Commission from an earlier date namely 28.7.1982. The petitioner made a representation for placing the petitioner above Shri Saxena treating 3.10.1978 as the date of his promotion. That representation of the petitioner ^{been} having ~~been~~ rejected on 13.10.1987 as per Annexure A-I, he has approached this Tribunal for relief.

2. The principal question for examination is as to whether he is entitled to count seniority from 3.10.1978. The order promoting him makes it clear that it was only an ad hoc promotion in the vacancy of Shri Pooran Mal. It is necessary to state that the post of Health Education Technician Grade-I was required to be filled up in the ratio of 40% and 60% by promotion and direct recruitment. Shri Puran Mal was a direct recruit. As he was on deputation and likely to return on completion of his tenure of deputation, the vacancy could not be filled up on regular basis. Therefore, ad hoc promotion was given to the petitioner. The petitioner could aspire ^{for} promotion to Health Education Technician Grade-I reserved for promotees. Shri Pooran Mal appears to have been absorbed in the department to which he was sent on deputation whereupon the said vacancy was regularly filled by direct recruitment in the year 1982. So far as the petitioner is concerned, his case for promotion was considered in the vacancy available for promotees after consideration of his case by regular DPC w.e.f. 25.3.1983. Thus,

it is clear that the petitioner could earn promotion on regular basis in the vacancy available for promotees only on 25.3.1983. Hence, that is the date on which his seniority can be counted. The earlier promotion held by the petitioner from 3.10.1978 to 24.3.1982 was only ~~an~~ ad hoc in the temporary vacancy caused by the deputation of Shri Pooran Mal. Hence, we have no hesitation in holding that the petitioner cannot count his seniority from 3.10.1978. His name was rightly included in the seniority list from 25.3.1983, the date on which he was regularly appointed to the cadre of Health Education Technician Grade-I (Editorial Hindi). Hence, there is no good ground to interfere. This petition fails and is dismissed. No costs.


(I.K. RASGOTRA)
MEMBER (A)


(V.S. MALIMATH)
CHAIRMAN