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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN. NO. O.A.228/87.

DATE OF DECISION: 09.11.1992.

Laxman Singh.

..Petitioner.

Versus

Union of India & Anr.

..Respondents.

CORAM:

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

For the Petitioner. None.

For the Respondents. None.

JUDGEMENT (ORAL)

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

The petitioner is aggrieved by order dated 22.1.1987 by which he was appointed on a temporary basis against a long term vacancy w.e.f. 21.12.1985. The petitioner commenced his career as a Tracer and came to be appointed as Junior Draftsman on 17.7.1980 on an ad hoc basis. This was followed by the office order dated 22.1.1987 when he was appointed to the same post in the long term vacancy w.e.f. 21.12.1985. In this petition, the petitioner has prayed for a direction to treat him as having been appointed as a permanent Junior Draftsman w.e.f. 18th July, 1980, the date on which he was appointed on an ad hoc basis on that post and for a direction to promote him further as Senior Draftsman against a reserved vacancy.

2. In the reply filed, the stand taken is that on 17.7.1980 the petitioner came to be appointed as Junior Draftsman on an ad hoc basis in the vacancy caused by the incumbent who was himself holding the post on an ad hoc basis. There was no regular post in which he could be

promoted w.e.f. 17.7.1980. They have further taken the stand that the long term vacancy became available only on 21.12.1985 and that is the reason why the order was made in his favour appointing him on long term basis with effect from that date. The respondents have stated that the petitioner became qualified for the said post only after he passed the test on 1.5.1985. There is no good reason to disbelieve the version of the respondents in regard to nature and availability of vacancies. Hence, no relief for a direction to treat the appointment of the petitioner as Junior Draftsman on permanent basis w.e.f. 18.7.1980 can be granted. So far as the post of Senior Draftsman is concerned, it is pointed out that the petitioner is not the seniormost. It is also pointed out that there is only one vacancy of Senior Draftsman and, therefore, the petitioner cannot claim that the said post should be filled up by promotion of a candidate who belongs to the Scheduled Caste. There is also a Schedule Caste candidate, namely, Shri Lal Chand, who is senior to the petitioner.

3. Looked from any angle, the petitioner cannot be granted any relief. Hence, the petition fails and is accordingly dismissed. No costs.

Shalabh
(I.K. RASGOTRTA)
MEMBER(A)

Malimath
(V.S. MALIMATH)
CHAIRMAN

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