

Date	Office Report	Orders
		<p style="text-align: center;">CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH, NEW DELHI</p> <p style="text-align: center;">CP 118/94 IN OA 934/88</p> <p>New Delhi, this the 9th Day of Sept 94.</p> <p>HON'BLE SHRI J.P. SHARMA, MEMBER (J) HON'BLE SHRI B.K. SINGH, MEMBER (A)</p> <p>Shri Asha Ram Koli, S/o Ram Swarup Koli, R/o H.No.9565/2 Goushala Lines Bara Dari, Kishanganj, ...Applic</p> <p>(By Advocate : Shri P.L. Mimroth)</p> <p style="text-align: center;">VERSUS</p> <p>Mr N. Vittal, Chairman, Telecom Commission (Previously Secretary, MOC and Director General, Telecommunications) Sanchar Bhavan, New Delhi ...Respondents No.1&2</p> <p style="text-align: center;"><u>ORDER (Oral)</u></p> <p>By Hon'ble Shri J.P. Sharma</p> <p style="text-align: right;">Contd.....2</p>

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		<p><u>09.09.94</u> <u>AN-8</u> <u>C.P.118/94 IN</u> <u>O.A.934/88</u></p> <p><u>Present</u> : Shri P.L. Mimroth, Counsel for the applicant.</p> <p>Shri N.S. Metha, Counsel for the respondents. (Appeared later on)</p> <p>In the Original Application 934/88 the Principal Bench has given the following directions :-</p> <p>"We are of the view that the case of the applicant for regularisation as Executive Engineer (Elect) is a matter to be considered by the IIInd respondent in accordance law. Therefore, the only direction we can give in this case is that the second respondent should consider the question of regularisation of the applicant as Executive Engineer (E) and determine the period of service, if any, rendered by him in that post which will count for seniority in that grade, in accordance with law. Accordingly, we issue such a direction the second respondent who shall communicate his decision to the applicant in this regard within 2 months, from the date of receipt of this order."</p> <p>2. The respondents through Shri N.S. Metha, Counsel, filed the reply to C.P. in which it is clearly stated :-</p> <p>"As per the existing instructions, an officer can be appointed on regular basis to a grade only from the date he is recommended for regular promotion by the D.P.C or from the date of actual promotion, whichever is later. Since</p>

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		<p style="text-align: center;">- 2 -</p> <p>Shri Asha Ram Kohli has not been recommended for regular promotion by the DPC so far, any portion of the 'adhoc service' he rendered in Executive Engineer (E) so far cannot be treated as regular service."</p> <p>3. In the Original Application the applicant has only pressed relief in Para 9.2 that his 'adhoc service' of the grade Executive Engineer (E) be counted as regular service for seniority. The respondents were directed to act according to the law in counting this service. The respondents had clearly stated in the aforesaid order dated 23.05.94 that the applicant was not recommended till that date for regularisation for regular appointment to the post of Executive Engineer (E). In view of this we find that the respondents have duly complied with the directions.</p> <p>4. The contention of the learned counsel which falls out in the argument is that applicant belonging to S.C. category was not just of that standard as laid down for promotion to the post of Executive Engineer (Elect.) that S.C. category selection would be on the basis of seniority-cum-fitness. The contention of the applicant's counsel is that the O.M. dated 21.9.88 has not been properly complied with. However, there was</p> <p style="text-align: right;">Contd...3</p>

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		<p style="text-align: center;">- 3 -</p> <p>no direction in the judgement for convening a D.P.C. or review of D.P.C.. Therefore, judgement has been duly complied with.</p> <p>5. C.P.118/94 is, therefore, dismissed being devoid of any merit and substance in it.</p> <p style="text-align: center;">(B.K. SINGH) MEMBER (A)</p> <p style="text-align: right;">(J.P. SHARMA) MEMBER (J)</p> <p style="text-align: center;">SSS</p>