


Date	Office Report	Orders
		<p style="text-align: center;">CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH, NEW DELHI</p> <p style="text-align: right;">CP 118/94 IN OA 934/88</p> <p>New Delhi, this the 9th Day of Sept 94.</p> <p style="text-align: center;">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, Delhi</p> <p style="text-align: right;">...Applicant</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</p> <p style="text-align: right;">...Respondents No.1&2</p> <p style="text-align: center;"><u>ORDER (Oral)</u></p> <p><u>By Hon'ble Shri J.P. Sharma</u></p>

Contd.....2

Date	Office Report	Orders
		<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. 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 IInd 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>

Date	Office Report	Orders
		<p data-bbox="938 259 1036 284" style="text-align: center;">- 2 -</p> <p data-bbox="751 304 1534 587">Shri Asha Ram Kohli has not been recommended for regular promotion by the DPC so far, any portion of the 'ad-hoc service' he rendered in Executive Engineer (E) so far cannot be treated as regular service."</p> <p data-bbox="623 645 1544 1539">3. In the Original Application the applicant has only pressed relief in Para 9.2 that his 'ad hoc 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 data-bbox="631 1597 1549 2237">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 data-bbox="1378 2313 1549 2343" style="text-align: right;">Contd...3</p>

Date	Office Report	Orders
		<p data-bbox="1015 289 1112 327" style="text-align: center;">- 3 -</p> <p data-bbox="662 378 1583 554">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 data-bbox="662 604 1583 768">5. C.P.118/94 is, therefore, dismissed being devoid of any merit and substance in it.</p> <div data-bbox="654 844 885 1020"> (B.K. SINGH) MEMBER (A)</div> <div data-bbox="1323 957 1575 1033">(J.P. SHARMA) MEMBER (J)</div> <p data-bbox="654 1146 711 1179">SSS</p>