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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O. A. NO. 1330/90

New Delhi, 9.8.1994

CORAM :

THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

THE HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Rahat Ullah Khan,
Assistant Garrison Engineer (MES),
Talbehath C/O Shri U.S. Bisht, Adv.,
360, Sector-IV, R.K. Puram,
New Delhi - 110022. ... Applicant

By Advocate Shri U. S. Bisht

Versus

1. Union of India through
Secretary, Ministry of
Defence, New Delhi.
2. Engineer-In-Chief's Branch,
Army HQ, Kashmir House,
DHQ P.O. New Delhi-110011. ... Respondents.

None for the Respondents

O R D E R (GRAL)

Shri S. R. Adige, Member (A) -

In this application, Shri Rahat Ullah Khan, Superintendent B/R Gr.II, has prayed for counting of his period of ad hoc promotion as Suptd. B/R Gr.I from 21.3.1986 to 29.12.1987 for purposes of seniority in the grade of Suptd. B/R Gr.I with consequential benefits.

2. The applicant was appointed in the MES on 19.7.1965 as Suptd. B/R Gr.II and according to him, became eligible for promotion on completion of five years' service as Suptd. B/R Gr.II on 19.7.1970 after passing the departmental test. He, however, states that he was not promoted for a prolonged period of

21 years. However, in 1986, he was screened for promotion, and upon his being found eligible he was promoted as Suptd. B/R Gr.I on 21.3.1986 on ad hoc officiating basis. He was eventually promoted as Suptd. B/R Gr.I on regular basis on 29.12.1987 and has prayed that his ad hoc officiation as Suptd. B/R Gr.I from 21.3.1986 to 29.12.1987 be counted towards seniority.

3. The respondents in their counter have raised the preliminary objection of limitation and have also pointed out that the ad hoc promotion of the applicant as Suptd. B/R Gr.I was purely a stop-gap-arrangement, which did not confer upon him any right for counting that period towards seniority.

4. The respondents also contend that even this ad hoc promotion for a short period of approximately one year and nine months was not of continuous duration.

5. The law regarding counting of ad hoc service which is followed by regularisation for purposes of seniority has been discussed in considerable detail in O.A. No. 727/87 - I. K. Sukhija & Anr. vs. Union of India & Ors., and connected cases decided by the Principal Bench of the Tribunal on 13/14.9.1993. The settled law on the subject now is that ad hoc service followed by regularisation can be counted towards seniority only if ad hoc promotion is made fully in accordance with rules or where it is de hors the rules, the period of such ad hoc service is for

a period of 15-20 years. In the case before us neither of the two features outlined above have been attained and under the circumstances this application fails. It is accordingly dismissed. No costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J)

S. R. Adige
(S. R. Adige)
Member (A)

/as/

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