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**CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.**

O.A. No. 1367 of 1990

New Delhi this 19th day of August, 1990

Hon'ble Mr. S.R. Adige, Member(A)

Hon'ble Mrs. Lakshmi Swaminathan, Member(J)

1. Shri Bharat Singh,
s/o Sh. Ghisa Ram,
r/o 25/354, Amrit Kunj,
DMS Colony, Hari Nagar,
New Delhi, employed in
Delhi Milk Scheme, New Delhi.

2. Shri Kartar Singh,
s/o Shri Hari Chand,
r/o WP-434, Wazirpur,
Ashok Vihar, Delhi-110052,
employed in Delhi Milk Scheme,
New Delhi.

3. Shri Satpal Sharma,
s/o Shri Hans Raj,
r/o 19/20-B, Tilak Nagar,
New Delhi-110018, employed in
Delhi Milk Scheme, New Delhi

.....Applicants
By Advocate Shri S.N. Shukla

Versus

1. The General Manager,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi.

2. Sh. J. N. Rai,
Mechanic (Mechanical),
Mechanical Section, Delhi Milk Scheme,
West Patel Nagar,
New Delhi-110008.

3. Sh. Dina Ram, Mechanic (Mechanical),
Mechanical Section,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi-110008.

4. Sh. Mohinder Singh, Mechanic (Mechanical),
Mechanical Section,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi-110008.

5. Shri Ram Saran, Mechanic (Mechanical),

Mechanical Section,

Delhi Milk Scheme

West Patel Nagar,

New Delhi-110008.

.....Respondents

By Advocate Shri Madhav Panikar

JUDGMENT

By Hon'ble S.R.Adige, Member(A)

In this application, Shri Bharat Singh and two others, all Mates, have prayed for refixation of their seniority vis-a-vis respondents 2, 3, 4 and 5.

2. Shortly stated, the applicant no.1, who was appointed/a Mate on 12/12/61, was promoted as Fitter(Mechanical) on adhoc basis on 22/12/70, and was substantively appointed to that post w.e.f. 27/7/83; applicant no.2, who was appointed as a Mate on 1/12/62, was promoted as Fitter(Mech) on adhoc basis on 27/1/71 and was substantively appointed to that post w.e.f. 29/11/75; applicant No.3, who was appointed as a Fitter(Mech) on 11/11/70, was substantively appointed to that post w.e.f. 27.7.83. The applicants contend that their seniority has to be fixed from the date of their adhoc promotion (4.4 of their rejoinder), and in that event they would rank senior to respondents nos.2 to 5.

3. The circumstances in which adhoc service, which is followed by regularisation would count towards seniority, had been well settled in O.A. No.727/87 'I.K.Sukhija vs. UOI & others' and connected cases which has discussed all the relevant case laws on the subject. It is now well settled that adhoc service which is

followed by regularisation would count towards seniority only where the adhoc appointment is made fully in accordance with rules, or where it is made de-hors the rules, the period of such adhoc appointment is of 15-20 years duration. It is clear that the adhoc appointments of the applicants were made as a purely temporary and stop-gap-arrangement, and it was expressly stated in the office order dated 21.12.71 (Annexure-A1) that such adhoc promotion would not confer upon them any right or claim for regular promotion to the post. Clearly, therefore, these adhoc appointments were made in administrative exigencies as a temporary and stop-gap measure, and not after following all the rules governing such appointment. Further more, the duration of the adhoc promotion is also nowhere 15-20 years.

4. Under the circumstances, there are no good grounds to interfere in this matter, and this application fails. It is accordingly dismissed.

No costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

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