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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO. 1375/90

New Delhi, 1. 9 1994

CORAM :

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

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

Iftakhar Ahmed,  
Cameraman, Films Division,  
4, Tolstoy Marg,  
New Delhi.

... Applicant

By Advocate Shri T. C. Aggarwal

Versus

1. Union of India through  
Secretary, Min. of Information  
& Broadcasting,  
Shastri Bhawan, New Delhi.

2. Chief Producer,  
Films Division,  
24, Peddar Road,  
Bombay.

... Respondents

By Advocate Shri Madhav Panikar

O R D E R

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

In this application, Shri I. Ahmed, Cameraman,  
Films Division, Min. of Information & Broadcasting  
has prayed for -

- i) counting his seniority as Cameraman  
uninterruptedly from 21.4.1982;
- ii) considering his promotion to the next  
higher grade of Chief Cameraman from  
the date of promotion of his junior; and
- iii) pay for holding the post of Chief  
Cameraman from 1.11.1987 to 11.12.1989.

2. During hearing, Shri Aggarwal, learned counsel  
for the applicant, stated that he was not pressing  
for relief ii).

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3. From the materials on record, it appears that by order dated 21.11.1981 the applicant was appointed to officiate as Cameraman on ad hoc basis with effect from the date he actually assumed charge of the post and by subsequent notification dated 22.6.1982 he was appointed to officiate as Cameraman in a temporary capacity on purely ad hoc basis w.e.f. 21.4.1982. Eventually, after obtaining the DPC's recommendations the applicant was regularised as Cameraman w.e.f. 1.5.1985. The circumstances under which ad hoc service followed by regularisation may be counted towards seniority have been fully discussed in the case of I. K. Sukhija & Anr. vs. Union of India & Ors. (O.A. No. 727/87) and connected cases decided by the Principal Bench of the Tribunal on 13/14.9.1993, in which all the recent rulings of the Hon'ble Supreme Court have been referred to. Briefly put, ad hoc service followed by regularisation can be counted towards seniority either when the ad hoc appointment is itself made fully in accordance with the rules, or if it is made de hors the rules, the period of such ad hoc appointment is of not less than 15-20 years. In the instant case, neither of these two features has been attained. Manifestly, the appointment of the applicant as Cameraman required DPC's approval, under the rules, but at the time his ad hoc appointment was made, the DPC was not constituted. The ad hoc appointment was made purely as a temporary, stop-gap-arrangement in administrative exigencies. Secondly, the period of ad hoc appointment was barely three years, let alone 15-20 years. During hearing,

Shri Aggarwal urged that the DPC should have regularised the applicant from the date the vacancy of Cameraman arose and not from 1.5.1985. In this connection, he tried to draw support from the O.M. dated 24.12.1980 containing the rules for the DPC. The question of the DPC recommending regularisation from the date of vacancy or ad hoc appointment would arise only when the applicant fulfils the requisite qualifications and suitability for being regularised, and there is a regular vacancy available on that date. No materials have been produced by the applicant to vouchsafe us on these facts. Hence, this plea fails.

4. As regards pay for holding the post of Chief Cameraman from 1.11.1987 to 11.12.1989, the respondents contended that the applicant held only current charge of the routine duties of that post for which no additional pay is admissible vide F.R. 49 (V). By memorandum dated 21.10.1987 the applicant was directed to take charge from Shri Doreswamy, Chief Cameraman, who was retiring on 31.10.1987 (AN) till such time as a regular Chief Cameraman was appointed (emphasis supplied). By order dated 11.12.1989 Shri S. N. Mishra, seniormost Cameraman was directed to look after the day-to-day duties of incharge of Camera Department in addition to his normal duties without remunerations and the applicant who was described as 'hitherto looking after the duties of incharge of Camera Department in addition to his own duties', was directed to hand over charge of the Camera equipment to Shri S. N. Mishra. A reading of these two orders makes it abundantly clear that the applicant was only holding

the current charge of the routine duties of Chief Cameraman during this period.

5. Shri Aggarwal has argued that the applicant was not exercising any statutory functions and hence the current charge is indistinguishable from full charge for which additional emoluments are admissible.

6. The manner in which the emoluments for a combination of appointments are to be regulated is laid down in FR 49. It is clear from that Rule that the test to be applied is whether there has been a formal appointment to that other post or not. Clearly there is no such formal appointment of the applicant to the post of Chief Cameraman in either of the two orders referred to above. All it speaks of is 'taking over' and 'handing over' charge and 'looking after the duties' of Chief Cameraman. Under the circumstances, the conclusion is inescapable that the applicant was called upon to hold only the current charge of the routine duties of Chief Cameraman during the relevant period. Hence, this plea also fails.

7. Shri Aggarwal has referred to a number of judgments including Smt. P. Grover vs. State of Haryana-<sup>(2)</sup> 1983/SLJ (SC) 389; S. C. Thippaswamy vs. State of Karnataka - 1983 (3) SLJ CAT 576; R. C. Chaturvedi vs. Secretary, Defence Ministry - 1990 (13) ATC 242; and Ashok Kumar vs. State of H.P.- SLJ (1994) (1) CAT 514, but in view of the discussion above, none of these rulings help him.

8. In fine, we see no reason to interfere in this matter, and this application is dismissed. No costs.

*Lakshmi Swaminathan*  
( Mrs. Lakshmi Swaminathan )  
Member (J)

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

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