

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
N E W D E L H I

O.A. No. 1708 of 1990 199
T.A. No.

DATE OF DECISION 5-2-1990

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|---|-------------------|
| <u>R.R. Mittal</u> | <u>Petitioner</u> |
| <u>Shri G.B. Singh with Shri Gurmeet Singh</u> Advocate for the Petitioner(s) | |
| <u>Versus</u> | |
| <u>Union of India</u> | <u>Respondent</u> |
| <u>Shri J.C. Madan</u> Advocate for the Respondent(s) | |

CORAM

The Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman (J).

The Hon'ble Mr. I.P. Gupta, Member (A).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(Judgment of the Bench delivered by Hon'ble Shri
 I.P. Gupta, Member (A).)

J U D G M E N T

In this application filed u/s 19 of the Administrative Tribunal Act 1985, the applicant had joined Delhi Milk Scheme on 1.4.60 as Upper Division Clerk. He was promoted to the posts of Head Clerk and Office Superintendent in stages. He held current charge of the post of Assistant Administrative Officer from 12.2.87 to 31.10.88. He went ^{on} deputation to the Ministry of Textiles w.e.f. 1.11.88 as Superintendent. While on deputation he got preforma promotion to the post of

Asstt. Administrative Officer

(in the scale of Rs.2000-3200 u.s.f. 15.1.90 in the
Delhi Milk Scheme (DMS) and this organisation also wrote to
Development Commissioner(Handlooms) under Ministry of
Textile to relieve the officer to enable him to join.
The applicant was relieved on 2.4.90.

2. On reporting for duty in DMS, he found that
Shri R.S. Rawat (Respt. 3), junior to him was promoted
as Administrative officer on ad-hoc basis from 1.4.90.

3. The applicant has requested for the relief that the
respondents be directed to convene a DPC for regular
promotion to the post of Administrative officer which
fell vacant on 1.4.90 and to promote the applicant on
ad-hoc basis retrospectively since his junior was promoted
on ad-hoc basis.

4. The argument of the learned Counsel for the
applicant was that the applicant fulfilled the eligibility
conditions of the Recruitment Rules. He was senior-most
Assistant Administrative Officer as on 15.1.1990 and was
above Shri R.S. Rawat. This seniority list was circulated
by DMS vide their letter 12-5/90 Estt.(Spl) dated 30/3/91
inviting objections. Since the post of Administrative
Officer is regular and has fallen vacant on retirement of
the incumbent, it should be filled on regular basis and
not on ad-hoc basis. Even if it has to be filled on
ad-hoc basis, his claim has to be preferred to that of
Shri Rawat, who is junior.

5. The learned Counsel for the respondent contended that
the seniority list is still not finalised. Respondent No.3
who has been promoted on ad-hoc basis as Administrative
Officer belongs to SC community and the promotion post

(K)

fell at the reserved point in the roster.

6. In view of the fact that a SC candidate (junior or senior to the applicant) has been promoted against a reserved point in the roster, the applicant cannot be given the relief sought for. However the learned Counsel for the applicant disputed that the promotion post was at a reserved point.

7. In the context of the observations in the preceding para while we dismiss the application on the premise that the post was a reserved one, we also direct the Respdt. No. 2 to:

i) finalise the seniority list ^{within} either 6 months from the date of receipt of a copy of this order. Since the list was circulated a year back and as there are only 5 names therein, out of whom perhaps one would have even retired, it should not be difficult to settle the list quickly.

ii) convene a DPC for regular appointment within 2 months thereafter.

iii) the DPC should be given the correct position regarding reserved or unreserved posts according to the reservation roster.

8. If the applicant is aggrieved by the recommendations of DPC or action thereon, he is free to move this Tribunal.

9. There is no order as to costs.

I.P. Gupta
(I.P. GUPTA)
MEMBER (A)

5/2/92

Ram Pal Singh
(RAM PAL SINGH)
VICE-CHAIRMAN (JUDL.)