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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA-2156/90

Date of decision: 8-5-1992

Shri R.D. Dahiya Applicant

Versus

Delhi Admn. & Another Respondents

For the Applicant Shri Arvind Jain, Advocate

For the Respondents Smt. Avinash Ahlawat, Advocate

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *No*

(Judgement of the Bench delivered by Hon'ble
Mr. P.K. Kartha, Vice-Chairman)

The applicant, who has worked as Instructor, Civil Defence in the Directorate of Home Guards and Civil Defence, filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying for the following reliefs:-

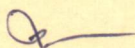
- (i) To direct the respondents to regularise his services on the post of Instructor, Civil Defence;
- (ii) to restrain them from reverting him from the said post to the post of Junior Instructor (Havildar) or to any other junior post; and

(iii) to hold that he is entitled to all benefits on the post of Instructor, Civil Defence since 23.12.1988, the date of his joining the said post on ad hoc basis.

2. We have gone through the records of the case and have heard the learned counsel for both the parties. The applicant was initially appointed as Field Clerk on permanent basis on 21.12.1966. He was promoted as Junior Instructor (Havildar) in 1974 and was further promoted as Instructor on ad hoc basis w.e.f. 28.12.1988 along with five others, including one, Shri Suraj Mal. He has stated that the respondents have regularised Shri Suraj Mal on the post of Instructor, but the others have not been so regularised.

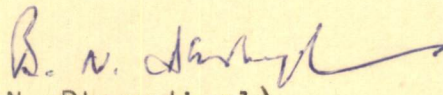
3. The respondents issued a circular inviting applications for recruitment to 5 posts of Instructor, Civil Defence and 5 persons were appointed pursuant thereto, without considering the applicant and others who were working on ad hoc basis.

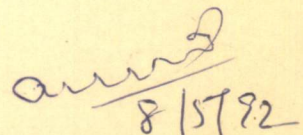
4. The respondents have stated in their counter-affidavit that Shri Suraj Mal was regularised in the post of Instructor against a vacancy reserved for the Scheduled Tribe candidates. According to them, the appointment of the applicant was on an ad hoc basis pending the completion of the process for regular promotion/appointment to the



post of Instructor. The circular issued by them was for filling up the posts through direct recruitment and the promotion cases were being dealt with separately. The Selection Board/D.P.C. had yet to take up the cases for promotion.

5. In the above factual background, the applicant will be entitled to regularisation in the post of Instructor, Civil Defence, only in accordance with the provisions of the recruitment rules. The application is disposed of with a direction to the respondents to expedite the process for regular promotion in the promotee-quota and consider the suitability of the applicant for promotion on regular basis to the said post. Till the applicant is so regularised, the respondents shall accommodate him in the post of Instructor on ad hoc basis so long as a vacancy in the post of Instructor exists in their office. The application is disposed of on the above lines. There will be no order as to costs.


(B.N. Dhoundiyal)
Administrative Member


8/5/82
(P.K. Kartha)
Vice-Chairman(Judl.)