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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

D.A.No. 2590/90

New Delhi dated the 23rd May, 1995

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. Shri A.K. Pal
S/o Shri R.S. Pal,
Sr. Computer,
Central Water Commission, Saram Sawa Bhawan,
R.K. Puram, New Delhi.
2. Shri N.K. Ghosh,
S/o Shri H.C. Ghosh,
Sr. Computer,
Central Water Commission, Saram Sawa Bhawan,
New Delhi.
(Shri Yogesh Sharma, proxy counsel for
Shri V.P. Sharma, Advocate) APPLICANT

VERSUS

1. Union of India through the
Secretary, Ministry of Water Resources,
Government of India, Saram Sawa Bhawan,
New Delhi.
2. The Chairman,
Central Water Commission,
Sawa Bhawan,
R.K. Puram, New Delhi.
(Shri K.L. Bhandula, Advocate) RESPONDENTS

JUDGEMENT

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

In this application S/Shri A.K. Pal and N.K. Ghosh, Sr. Computers, CWC, New Delhi have sought for counting of their ad hoc service as Sr. Computers while determining their seniority in that grade.

2. Admittedly Shri A.K. Pal was appointed as Jr. Computer on 10.2.71, was promoted as Sr. Computer on purely ad hoc basis on 25.10.79 and was regularised as Sr. Computer w.e.f. 19.11.86. Similarly the relevant dates in respect of Shri N.K. Ghosh are 27.9.65 as Jr. Computer; 1.4.75 as Sr. Computer on ad hoc basis and 14.10.77 as Sr. Computer (regular).
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3. The ground taken is that the applicants were promoted on ad hoc basis after following all the prescribed procedures for promotion, which was followed by regularisation. Reliance in this connection has been placed on the decisions in Direct Recruit Class II Engineering Officers Association case JT 1990(2)SC 264 and Narendra Chadha Vs. UOI AIR 1986 SC 638; as well as O.A. No. 1741/92 Jasvinder Singh Vs. UOI decided on 31.3.93, OA No. 1783/88 Harpal Singh Vs. UOI & Ors. decided on 5.9.90.

4. We have given careful consideration to the rival contentions. The office order dated 25.10.79 (Annexure A.13) clearly states that applicant Shri A.K. Pal's ad hoc appointment as Sr. Computer was initially purely for a period of 3 months effective from the date he took charge, and would not bestow on him any claim for regular appointment beyond the period specified. It was also clearly stated that the service rendered on ad hoc basis in the grade of Sr. Computer would not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade. Manifestly speaking this ad hoc promotion was made purely as a temporary, stop-gap arrangement, and there are no materials furnished by the applicant to support his assertion that it was made after following all the rules. The question of counting of ad hoc service towards seniority had occasion to be examined exhaustively ^{by the Tribunal} in the judgement delivered in O.A. No.727/87 I.K. Sukhija ^{& connected cases} Vs. UOI & Ors. decided on 13/14-9-1993. In that decision, besides discussing the ratio of the judgement in the Direct Recruit Class II ^{case} (Supra), the ratio of the judgements in Keshav Chand Joshi & Ors. Vs. UOI & Ors. AIR 1991 SC 284; Narendra Chadha's case (Supra) Shri Ashok Mehta & Ors. Vs. Regional Provident Fund Commissioner & Ors. decided on 5.2.92 and State of West Bengal & Ors. Vs. Aghon Nath Day & Ors. JT 1993(2) SC 598 was also dealt with. The conclusion that the Tribunal arrived at in Sukhija's case (Supra) after a detailed discussion of the above rulings was that where ad hoc service was followed by regularisation such ad hoc service could be counted towards

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seniority only if (i) it was made strictly in accordance and after following all the rules or (ii) when the ad hoc appointment/promotion was made ^{AM} ~~de hors~~ the rules, the period of such ad hoc service was 15-20 years.

5. In the present case neither of the two situations obtain. It is clear that the applicants initial promotion as Sr. Computer on ad hoc basis was initially made only for a period of 3 months on purely temporary, stop gap arrangement, and the applicants have not produced any materials to establish prima facie that it was made after following all the rules. Hence condition (i) above is not satisfied. As the duration of the ad hoc service is 7 years in one case and about 2½ years in the other, condition (ii) is also not satisfied.

6. In the light of the above, the rulings ^{in the O.A.} relied upon by the applicants (which have not noticed Sukhya's case) do not help them, and we see no ^{good in} ~~sound~~ reasons to interfere in this matter. This application fails, and is dismissed. No costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J)

GK

S. R. Adiga
(S. R. Adiga)
Member (A)