

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA-1795/91

Date of decision: 18.11.1992

Shri Roshan Singh & Ors. Applicants

Versus

Union of India through
Director General of
Supplies & Disposals Respondents

For the Applicants Shri T.C. Aggarwal, Advocate

For the Respondents None.

CORAM:

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

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*

JUDGMENT

(of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice Chairman(J)).

We have gone through the records of the case
carefully and have heard the learned counsel for the
applicants. This application was included in the list
of first fifteen cases peremptorily fixed for final
hearing on 4.8.1992. Neither party was present on that
day when the case was taken up for hearing. In view of
this, notices were directed to be issued to them stating

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that it would be heard on 24.8.1992. Thereafter, the case had appeared in the cause list. On 16.9.1992, when the case was called, the learned counsel for the applicants was present, but none appeared on behalf of the respondents.

2. The issue raised in this application lies within a narrow compass. The applicants had filed OA-356/87 which was disposed of by judgement dated 19.3.1991. They had prayed for the following reliefs:-

- (i) Declaring the Applicants regular Senior Economic Investigators right from their appointment to the post;
- (ii) restraining the respondents from not treating the applicants as ad hoc Senior Economic Investigator from the date of their promotion to the posts of Senior Economic Investigator; and
- (iii) directing the respondents to treat the applicants as regular Senior Economic Investigators right from the date of their appointment to the post and giving all the consequential benefits.

3. OA-356/87 was disposed of with the direction to the applicants to make a representation to the respondents in which event, the latter should take a decision on the same. The applicants were also given the liberty to file a fresh application, in case they were aggrieved by the decision

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taken by the respondents.

4. Accordingly, the applicants made representations to the respondents on 26.3.1991, but the same were rejected by the respondents by their letter dated 26.7.1991.

Thereafter, the applicants filed the present application.

5. The case of the applicants is that they were promoted as Senior Economic Investigator through regular D.P.C. but termed ad hoc because those promoted in Grade IV of Indian Statistical Service were also given ad hoc promotion.

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They were subsequently promoted on regular basis from the date of their ad hoc appointment as per the decision of the Supreme Court in Narendra Chadha Vs. Union of India, AIR 1986 SC 638. Thus, the applicants are similarly situated and are to get the benefit of seniority likewise. Their service particulars are as follows:-

Sl. No.	Name	Date of ad hoc appointment	Date of regular appointment
1.	Shri Roshan Singh	27.9.1973	23.9.1985
2.	Shri S. Rama Nathan	30.8.1972	07.5.1985
3.	Shri R.K. Markande	30.8.1972	07.5.1985
4.	Shri R.P. Gupta	30.8.1972	26.5.1986
5.	Shri Prem Prakash	30.8.1972	26.5.1986.

6. The promotion of the applicant was done by a duly

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constituted D.P.C. and regular vacancies existed from the date of ad hoc appointment, released from the dates of implementation of the judgement of the Supreme Court in Narender Chadha's case.

7. The applicants have stated that in similar circumstances, seniority has been given to the employees in the Planning Commission and the Department of Statistics from the dates of their ad hoc promotion. The applicants are seeking the benefit of the judgements of this Tribunal dated 10.8.1988 in OA-984/86 (Dina Nath and Others Vs. Union of India and Others) and dated 26.5.1992 in OA-943/89 (R.K. Kamal Vs. Union of India and Others).

8. In Direct Recruit Class II Engineering Officers Association Vs. State of Maharashtra, 1990 SCC (L&S) 339, the Supreme Court has held that "if the initial appointment is not made by following the procedure laid down by the rules but the appointee continues in the post uninterruptedly till the regularisation of his service in accordance with rules, the period of officiating service will be counted." In our opinion, the aforesaid principle would apply to the instant case.

9. Accordingly, we allow the present application and direct that the seniority of the applicants shall be reckoned from the dates of their ad hoc appointment in the

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grade of Senior Economic ^{Investigator} ~~Adviser~~. They would also be entitled to consequential benefits to the extent of salary progression and consideration for promotion to the next higher grade in accordance with the rules. The respondents shall comply with the above directions expeditiously and preferably within a period of three months from the date of receipt of this order. There will be no order as to costs.

B.N. Dhoundiyal
(B.N. Dhoundiyal)
Administrative Member

P.K. Kartha
(P.K. Kartha)
Vice-Chairman (Judl.)