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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 535/2004

New Delhi this the 1st day of March, 2004

Hon'ble Shri V.K.Majotra, Vice Chairman (A)  
Hon'ble Shri Bharat Bhushan, Member (J)

M.P.Jayadevan,  
R/O 732, Laxmibai Nagar,  
New Delhi-110023

(By Advocate Shri Asish Nischal )

..Applicant

VERSUS

Union of India,  
Through Secretary,  
Ministry of Health and Family,  
Nirman Bhawan, New Delhi.

..Respondent

O R D E R (ORAL)

(Hon'ble Shri Bharat Bhushan, Member (J)

The applicant is employed as Audience Analysis Officer (Mass Mailing Unit) in the pay scale of Rs.6500-10,500 and is due to superannuate on 31.5.2004. His contention is that the Mass Mailing Unit of the respondents organisation is headed by a Distribution Officer which carries the pay scale of Rs.10,000-15,200/-. And as per the Recruitment Rules the post is required to be filled up 100% by direct recruitment. His case is that on 2.6.2003 he was asked to look after the work of Distribution Officer (Mass Mailing Unit), and then on 11.7.2003 he was promoted from the post of Supervisor (Mailing List Unit) to the post of Audience Analysis Officer (Mass Mailing Unit) on regular basis w.e.f. 26.6.2003. He made a representation dated 19.12.2003 requesting the respondents to appoint him to the post of Distribution

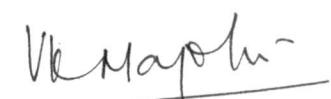


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Officer (Mass Mailing Unit) on ad hoc basis as in the past too on some occasions person had been appointed to such post, but has contended did not find favour with the respondents and consequently his representation was rejected. He has also referred to an earlier decision of the Tribunal in OA 506/1994 title as **Ram Singh Vs. Union of India** wherein too under similar circumstances certain benefits of holding such posts of Distribution Officer were granted to the applicant in the said case.

2. We have considered the contention raised by the applicant in this application and have perused the records. The applicant has not been able to satisfy us as to whether any right accrues to him to hold the post of Distribution Officer on regular or even ad hoc basis and also as to whether even any vacancy for the said post also exists or not. Simply because of the fact that for some time he had been asked to look after the work of Distribution Officer ( Mass Mailing Unit) does not mean that acquires any right to be appointed to the post. This being so, we find no merit in the OA, hence the same is hereby dismissed in limine.

  
( Bharat Bhushan )  
Member (J)

  
( V .K. Majotra ) 1.3.04  
Vice Chairman (A)

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