

Central Administrative Tribunal
Principal Bench

O.A. No. 1685 of 1992

New Delhi, dated the 10th July, 1997

(b)

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

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri Piarey Lal,
S/o Shri Garba,
Guard 'C',
Northern Railway,
R/o Railway Quarter,
Railway Colony,
Railway Station, Panipat,
Haryana.

... Applicant

By Advocate: Shri S.K. Sawhney

Versus

Union of India through

1. General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Divl. Personnel Officer,
D.R.M's Office,
New Delhi.

... Respondents

(None appeared for the Respondents)

ORDER (Oral)

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

Applicant seeks grant of seniority position as Guard 'C' on the basis of his promotion w.e.f. 22.1.85 (Ann. A-2) with consequential benefits.

2. We have heard Shri Sawhney for the applicant. None appeared for the Respondents.

3. We note that the order dated 22.1.85 specifically states that the applicant and others were being promoted to officiate as Guard 'C' on ad hoc basis. Shri Sawhney states that although the promotion

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(7)

was on hoc basis, it was ordered after the applicant and others under-went a suitability test for promotion against non-selection posts and these promotions have been made strictly in accordance with rules. In this connection the Hon'ble Supreme Court's order dated 12.12.90 in Civil Appeal No. 5317 of 1990 Rajbir Singh & Ors. Vs. U.O.I. & Ors. has been relied upon.

4. From respondents reply we note that applicant has been granted promotion on regular basis from 25.4.86, and hence the period of ad hoc service involved is approximately for one year and four months (22.1.85 to 25.4.86).

5. In our view the ratio in Rajbir Singh's case (Supra) will not apply because there the ad hoc service was of nearly 11 years, which is nowhere near the period of ad hoc service in the present ^{case}. In this connection, in a catena of Hon'ble Supreme Court's judgments which have been summarised and discussed in CAT, P.B. judgment dated 13/14.9.93 in O.A. No. 727/87 I.K. Sukhiya & Ors. Vs. U.O.I. and other cases, it has been held that ad hoc services can be counted towards seniority only where the ad hoc services have been ordered strictly in accordance with the existing rules and instructions on the subject; or if it has been ordered dehors the rules, when the period of such ad hoc service is 15-20 years and the Respondents have the authority to relax the rules.

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6. In the present case, we note that the order dated 22.1.85 itself states that the posting of applicant and others is purely temporary and on ad hoc basis till such time they pass P-3 course through ZTS, Chandausi. Under the circumstances it cannot be said that the applicant is entitled to count the aforesaid ad hoc service towards seniority.

7. This O.A. is therefore dismissed.
No costs.

8. After the above orders were dictated, Respondents' counsel Shri O.P. Kshatriya appeared.

Lakshmi Swaminathan

(Mrs. LAKSHMI SWAMINATHAN)
Member (J)

/GK/

S.R. Adige

(S.R. ADIGE)
Member (A)