

(15)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A. No. 2234/92

New Delhi: this the 24th November, 1997.

HON'BLE M.R.S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Nihal Singh,
S/o Shri Dava Singh,
R/o 76-C, Sector IV,
Pushpa Vihar,
New Delhi-17.

Employed as

Inspector in the

Bureau of Police Research and Development,

Ministry of Home Affairs,
Govt. of India,
Block XI, CGO Complex,
Lodhi Road,
New Delhi

.... Applicant.

(By Advocate: Shri B.B. Rawal)

Versus

Union of India
through

Secretary,

Ministry of Home Affairs,
Govt. of India, North Block, New Delhi.

2. Director-General,
Bureau of Police Research & Development,

3. Shri N.P. Gupta,
Asstt, Director (CC)
Bureau of Police Research and Development,

4. Shri Kalu Ram,
Sub-Inspector,
Bureau of Police Research and Development,

All under Ministry of Home Affairs,
Govt. of India, Block XI, CGO Complex, New Delhi.

.... Respondents.

(By Advocate: Shri S.M. Arif)

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JUDGMENT

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

Applicant seeks counting of his five years' adhoc continuous service as Inspector Police, BPRD from 9.11.84 (Annexure-A3) till 19.1.90 (Annexure-A5) for consideration for promotion as Dy. Superintendent.

2. Admittedly as per relevant Recruitment Rules notified on 24.2.76 (Annexure-R-2) which have the protection of Article 309 of the Constitution, 5 years continuous regular service is an essential requirement, and as adhoc service cannot legally be construed to mean regular service, respondents have rightly rejected applicant's prayer. Reliance has been placed on the Class II Engineering Officers' 1990 (2) SLJ SC 40 but in view of the purely adhoc nature of applicant's appointment as Inspector on 9.11.84 that ruling has no relevance to the facts and circumstances of this particular case.

3. Nor indeed is the alleged effort to promote Respondent No.4 as Inspector on regular basis relevant. The ^{full} facts regarding the promotion of Respondent No.4 are not before us, but even if applicant's allegation regarding Respondent No.4's promotion as Inspector on regular basis be true, ^{as alleged} one irregularity cannot justify another.

4. The OA is dismissed. No costs.

A. VedaValli
(DR. A. VEDAVALI)
MEMBER (J)

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(S. R. ADIGE)
VICE CHAIRMAN (A).