

(7)

In the Central Administrative Tribunal
Principal Bench: New Delhi

Regn. No. OA 2582/1992

Date of decision: 22.04.1993.

Shri Gautam Chand

...Applicant

Versus

...Respondents

Union of India and Others

For the Applicant

...Shri S.C. Luthra, Counsel

For the Respondents

Counsel for
Respondents Nos. 1 & 2
.Sh. Gurmeet Singh, Counsel for
Respondent No. 3.
.Sh. P.P. Khurana

CORAM:-
THE HON'BLE MR. JUSTICE S.K. DHAON, VICE-CHAIRMAN
THE HON'BLE MR. S.R. ADIGE, ADMINISTRATIVE MEMBER

1. To be referred to the Reporters or not?

JUDGEMENT (ORAL)
(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhaon, Vice-Chairman)

On 20.03.1990, the petitioner, then an Assistant Milk Distribution Officer, was promoted to the post of Milk Distribution Officer on ad hoc basis. It was made clear in the order that the promotion of the petitioner was purely on ad hoc basis and ^{the} same would not confer on him any right or claim for seniority or regular appointment to the post of Milk Distribution Officer.

2. On 10.09.1992 the competent authority reverted the petitioner to his substantive post. This order is being impugned in the present application.

3. The only ground urged is that one, Shri V.D. Mehta, who too has been appointed on ad hoc basis subsequent to the petitioner, has been retained in service and, therefore, the principle of 'last come first go' was not observed.
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4. We have before us the provisional Seniority List. A perusal of the same, indicates that in that list Shri Mehta finds place at S.No.3, whereas the petitioner is mentioned at S.No.11. It is thus clear that Shri Mehta was retained because he was considered senior to the petitioner.

5. The other submission advanced is that one of the 4 posts must have been given to Scheduled Caste/Scheduled Tribe candidate. The petitioner being a

Scheduled Caste, was offered the post of Milk Distribution Officer. It is not disputed that the minimum qualification required for holding the post of Milk Distribution Officer is Graduation. It is admitted by the learned counsel for the petitioner that he (the petitioner) is only a matriculate. Since the petitioner is not qualified, he is not entitled to hold the said post.

6. The petition is dismissed. The interim order already passed is hereby vacated.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)
22.04.1993

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S.K. Dhaon
(S.K. DHAON)
VICE CHAIRMAN
22.04.1993