

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

D.A.No.3328/92

6.11.98

(90)

1. B.K.Sharma, S/o Shri Kurra Ram,
Sr. Steno, Gr.II, ITI Jail Road,
Tilak Nagar,
New Delhi.
2. T.S.Kanwar, S/o Sh.Bhag Singh,
Sr. Steno, Gr. II, ITI Shahdra,
New Delhi.
3. Mrs. K.Popli, W/o Sh.K.L.Popli,
Sr. Steno ITI, Subji Mandi,
Delhi-7.
4. Bhawar Singh, S/o Shri Ram Chander,
Sr. Steno Gr.II, Office of Chief Engineer,
Flood Control Dept. ISBT,
New Delhi.

..... Applicants.

(By Advocate: Shri V.P.Sharma)

Versus

1. Delhi Administration through
its Chief Secretary Delhi.
2. The Secretary (Services),
Delhi Administration,
5, Alipur Road, Delhi .
3. The Director of Technical Education,
Delhi Administration Rouse Avenue Road,
Dayal Singh Library Building,
New Delhi.
4. The Chief Engineer,
Flood Control Dept., Delhi Administration,
4th Floor, ISBT Building,
New Delhi

.... Respondents.

(By Advocate: Shri Vijay Pandita)

ORDER

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

Applicants impugn respondents order dated 10.8.92 (Annexure-A/1) and seek regularisation as Stenos Gr.II w.e.f. 14.5.87 and consideration for further promotions accordingly.

2. By order dated 14.5.87 (Annexure-A/8) applicants were promoted from Stenos Gr.III to Stenos Gr.II on purely emergent and adhoc basis for a period of

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six months, or till regular promotions were made on the recommendation of DPC whichever was earlier.

The above order made it clear that applicants would not be entitled to any benefit of seniority or regularisation as Stenos Gr.II or any equivalent post till they were selected by a DPC. Eventually on the DPC's recommendations by respondents' impugned orders dated 10.8.92 applicants were promoted on regular basis as Stenos Gr.II w.e.f. 14.2.90. Applicants contend that while others similarly situated as them, and promoted as Stenos Gr.II on adhoc basis w.e.f. 14.5.87 were regularised vide impugned orders dated 10.8.92 with effect from the dates of their adhoc promotion, they have been regularised from a later date, which is illegal and without jurisdiction.

3. We have heard applicants' counsel Shri V.P. Sharma and respondents' counsel Shri Vijay Pandita.

4. Shri Sharma has argued that the fact that applicants were promoted as Stenos Gr.II on adhoc basis on 14.5.87 and were working as such ever since, points to the availability of regular vacancies from that date, and that being so, applicants should also have been regularised w.e.f. 14.5.87 along with others seniors to them who admittedly were regularised from that date.

5. Merely because applicants were promoted on adhoc basis w.e.f. 14.5.87 along with their seniors does not necessarily mean that there were the requisite number of regular vacancies available on that date. Respondents in their reply have stated that the DPC in its meeting

dated 2.6.92 after considering the facts and circumstances of each and every case and on the basis of the vacant available posts (emphasis supplied) recommended candidates for regular appointment. This averment has not been denied by applicants in any rejoinder. Manifestly therefore, the DPC recommended candidates for regular promotion on the basis of their seniority and availability of regular vacancies, and as applicants admittedly were junior to those regularised on 14.5.87 and sufficient regular vacancies were not available, they could not be regularised w.e.f. 14.5.87.

6. Under the circumstance, the DA warrants no interference. It is dismissed. No costs.

A. Veda Valli
(DR. A. VEDAVALLI)
MEMBER(J)

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

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