

Central Administrative Tribunal
Principal Bench: New Delhi

OA 347/92

New Delhi, this the 27th day of May, 1997

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Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)
Hon'ble Shri S.P. Biswas, Member (A)

Sh. Soran Singh s/o late Kishan Lal,
r/o B-31, CRRI Staff Quarters,
Maharani Bagh,
New Delhi.Petitioner

(By Shri H.B. Mishra, Advocate)

-Versus-

1. Council of Scientific &
Industrial Research,
Anusandhan Bhavan, Rafi Marg,
New Delhi through its
Joint Secretary (Admn.)
2. Director,
Central Road Research Institute,
P.O. CRRI,
Delhi- Mathura Road,
New Delhi - 110 020.Respondents

(By Advocate : Shri V.K.Rao)

O R D E R (ORAL)
(Dr. Jose P. Verghese, Vice-Chairman (J)

The petitioner in this OA claims to have been appointed as an Electrician since the year 1980 and is claiming regularisation to the same post. This OA has been filed in the year 1992 after making a representation, but the fact remains that the petitioner has already superannuated in January, 1997.

The case of the petitioner is that he has been working as Electrician in the scale of Rs. 260-350/- since the year 1980 and thereafter though he was reverted to the grade of Helper 'B', was again for a short while made to work

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as Mechanic (Electrical) in the same grade of Rs. 260-350/-.

The case of the petitioner is that for all practical purposes he was an Electrician. He has made several references to the fact that he continued as Electrician through out and he also stated that this position now stands admitted by the respondents and in the circumstances he did not challenge the order of 1987 by which he was appointed as Mechanic(Electrical).

Learned counsel for the respondents stated that though he was appointed as Electrician in the year 1980, his appointment was ad hoc and when the regular incumbent Shri Baldev Singh reported back, the petitioner happened to be reverted to his original post of Helper 'B' and the said order was passed on June 22, 1987. The said office Memorandum at page 27 of the paper book is reproduced hereinbelow:-

"In pursuance of this office O.M. of even number dated June 19, 1987 Shri Baldev Singh has reported for duty as Electrician in this Institute w.e.f. the Forenoon of 22.6.1987. He is posted to Civil Section under the charge of Incharge, Civil with immediate effect.

Consequently Shri Soran Singh officiating on ad hoc basis temporarily as Electrician against this post reverts back to his original post of Helper 'B' with immediate effect and is posted to Civil Section under the charge of Incharge Civil".

It is seen from this order that even though the said Shri Baldev Singh was posted on the Civil side but the fact remains that the petitioner was reverted to the post of Helper 'B' from the post of Electrician.

Again the respondents considered the case of the petitioner and instead of retaining him on the reverted post of Helper 'B', he was given appointment against the vacant post of Mechanic (Electrical) again on ad hoc basis by an order dated 25.6.1987 which order is reproduced hereinbelow:-

"Director, Central Road Research Institute has been pleased to cancel the office order of even number dated 22.6.1987 reverting back Shri Soran Singh as Helper Gr.'B' and has further been pleased to approve continuation of officiating appointment of Shri Soran Singh against the vacant post of Mechanic (Electrical) on ad hoc basis till the post is filled up on regular basis.

Shri Soran Singh is posted under the charge of Incharge, MBSQ with immediate effect".

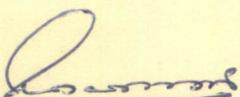
It was stated on behalf of the respondents that on the basis of above two orders, it is a clear fact that whatever be the manner the respondents have treated them, on record it is clear that the petitioner has been working as ad hoc Electrician till 22.6.1987 thereafter he was reverted back to his original post of Helper 'B' and again by an order dated 25.6.1987 he was posted against a vacant post of Mechanic (Electrical) again on ad hoc basis. This position of ad hoc both as Electrician and against the vacant post of Mechanic (Electrical) continued till 1997, that is to say for almost 17 years. The claim of the petitioner, therefore, is based on the fact of long ad hoc service both as Electrician as well as Mechanic (Electrical) and that his services should be regularised from the date of the original appointment. The fact remains that both these posts happened to be in the same grade of Rs. 260-350/-.

In the absence of a challenge to the subsequent order of appointment against a vacant post of Mechanic (Electrical) on 25.6.1987, we are unable to alter the said order and the

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only possible order that can be given to the petitioner is that his ad hoc service in the same grade should be continued to be treated as ad hoc, one after the other, and the pay should be fixed in the vacant post of Mechanic (Electrical) on the basis of the increment he has already earned as Electrician adhoc. Thus by the time he retired in the year 1997 he must have reached the maximum of the scale and it is in the fitness of things that the respondents shall fix his pay at the highest of the scale of Rs. 260-350/- and whichever is equivalent at the relevant time, and the pension of the petitioner shall be disbursed accordingly. No other relief can be granted to the petitioner. It goes without saying that the fixation of the salary at the maximum of scale is confined only for the purpose of pension and remaining part of it shall be a provisional fixation, for the purpose of compliance of the rules.

In view of this, this OA is partly allowed with no order as to costs.



(S.P.Biswas)
Member (A)

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(Dr. Jose P. Verghese)
Vice-Chairman (J)