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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

RA No.85/93 in
OA No.2660/92

Date of decision: 26.03.93

Sh.Kuldeep Singh .. Petitioner

versus

Council of Scientific & Industrial
Research & anr. .. Respondents

CORAM:- THE HON'BLE MR.JUSTICE V.S.MALIMATH, CHAIRMAN
THE HON'BLE MR.B.N.DHOUNDIYAL, MEMBER(A)

For the Petitioner ... None

For the Respondents .. Sh.H.C.Gupta, Counsel

ORDER (ORAL)

(BY HON'BLE MR.JUSTICE V.S.MALIMATH, CHAIRMAN)

This petition is by the Council of Scientific & Industrial Research for review of the judgement of the Tribunal rendered in OA No.2660/92 by a Bench comprising Shri P.K.Kartha, the then Vice-Chairman and one of us (Sh.B.N.Dhoundiyal, Member). The direction in the judgement is to consider the petitioner for appointment on ad hoc basis as Section Officer provided there is a vacancy in the post of Section Officer (F&A) and he is the seniormost person available in the office in which he is presently working. We fail to understand as to how the petitioner can make a grievance about such a direction. It is further submitted that there is the possibility of the direction being understood as requiring the petitioner to be promoted if the vacancies exist and if he is the seniormost in the particular branch or section in which he is presently working. The direction cannot be understood in that way. In the judgement there is a clear reference to the claim made by the petitioner that the post is required to be filled on the basis of the all India seniority. That position has not been

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controverted by the respondents. There may be some grievance in regard to the ranking assigned to the petitioner in the seniority list. The Tribunal has also not held that promotions should not be made on ad hoc basis taking into consideration the all India seniority. In this context, the direction must be understood as requiring the petitioner to be promoted on ad hoc basis if the vacancy exists and if he is found to be the seniormost available person in the feeder cadre on the basis of his seniority reckoned on all India basis as per the rules prevailing in this behalf. That, in our opinion, is the clear effect of the judgment of the Tribunal. We fail to see any justification for review of the judgment. Hence this R.A. is dismissed.

B.N. Dholiyal.
(B.N.DHOUNDIYAL)
MEMBER (A)

V.S. Malimath
(V.S.MALIMATH)
CHAIRMAN.

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