

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

D.A 443/1992

DATE OF DECISION: 18.9.1992

Mahesh Chandra

.. Applicant

vs.

Union of India through
Secretary, Ministry of Information
and Broadcasting, Shastri Bhavan,
New Delhi and Others. .. Respondents

For the Applicant .. Shri S.K.Gupta, Advocate

For the Respondents .. Mrs.Raj Kumari Chopra,
Advocate

CORAM

THE HON'BLE MR.S.P.MUKERJI, VICE CHAIRMAN

THE HON'BLE MR.T .S.OBEROI, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed
to see the Judgment? W

2. To be referred to the Reporter or not? W

JUDGMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

In this application dated 29th January 1992
the applicant a Scheduled Caste Accounts Officer of
the Directorate of Advertising and Visual Publicity(DAVP)
has prayed that the respondents be directed to regularise
his services as Accountant with effect from 16.11.73,
as Senior Accountant with effect from 29.11.1976 and
as Accounts Officer from 1982 in accordance with the
reservation order of 27.11.72. The brief facts of the
case are as follows.

2. The applicant along with other eligible Accounts
Clerks ~~was~~ promoted as Accountant with effect from
21.2.79 on an adhoc basis strictly on the basis of
seniority. He was promoted as Senior Accountant again
on an adhoc basis with effect from 18.4.84 and later
as Accounts Officer with effect from 13.3.91. His

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grievance is that while making the ad-hoc promotions the benefit of reservation available to him as a Scheduled Caste candidate ~~had~~ not been fully given to him and accordingly, he prays that his promotion as Accountant be predicated to 16.11.73, as Senior Accountant to 29.11.76 and as Accounts Officer to 1982 with all consequential benefits of salary, seniority etc. His further grievance is that even though his ad-hoc service was regularised from the date of ad-hoc promotion as Accountant and Senior Accountant he was not given the benefit of earlier promotion and seniority because of the reservation order of 27.11.72.

3. In the counter affidavit the respondents have stated that while regularising the ad-hoc appointments of Accountants and Senior Accountants reservation orders were strictly applied. Yearwise vacancies were ascertained from 1966-67 when ad-hoc appointments were resorted to and all persons appointed on ad-hoc basis after 27.11.72 were placed in the reservation roster. Even though the applicant was actually appointed to the post of Accountant on 21.2.79 on an ad-hoc basis, he was regularised ~~rightly~~ from 21.2.79 ^{and} ~~but~~ was given seniority of 1973 on the basis of a reserved vacancy which fell in 1973 when the applicant for the first time became eligible for such promotion. For the purpose of seniority, therefore, he was given a notional promotion as from 1973 even though he was regularised only from 21.2.79. On the basis of his seniority in the post of Accountant he

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(9)

got promotion as Accounts Officer with effect from 10.5.91 against a reserved vacancy by superseding his seniors. They have stated that there was no provision for reservation for filling up the posts on ad-hoc basis prior to 1984 and hence the question of earlier promotion of the applicant as Accountant who was promoted on 21.2.79 did not arise. By virtue of his notional promotion in 1973 against a reserved vacancy the applicant has superseded four of his colleagues and for promotion as Accounts Officer one of his senior colleagues. It has also been stated that after 1.1.86, the grades of Accountants and Senior Accountants were merged, but while regularising the ad-hoc appointments of the applicant who had been appointed before 1.1.1986, the reservation orders were strictly applied.

4. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. The learned counsel for the applicant conceded that the applicant had been given the benefit of seniority flowing from the reservation order. This is also evident from the revised seniority list of Accountants at Annexure A10 where the applicant at Sl.No.7 even though regularised with effect from 21.2.79 has been placed above persons who have been regularised with effect from 1975, 1976 and 1977. Similarly, in the revised seniority list of Senior Accountants at Annexure A11 the applicant at Sl.No.7 even though regularised with effect from 18.5.84 has been placed above Sl.No.8 who was regularised from 27.4.83.

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.4.

The applicant's contention that he should be given the benefit of arrears of pay and allowances from the date of his notional promotion, even though he did not hold the posts cannot be accepted as reservation for ad-hoc promotions came into force from April, 1983 and the applicant's claim for arrears of salary is time-barred.

5. In the circumstances we see no force in the application and dismiss the same without any order as to costs.

S.P.M.
18.9.92

Dec 18.9.92
(T.S. Oberoi)
JUDICIAL MEMBER

(S.P.MUKERJI)
VICE CHAIRMAN

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