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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

OA No. 2314/93

New Delhi this the 5th day of November, 1993.

Coram: Hon'ble Mr. J.P. Sharma, Member (J)
Hon'ble Mr. B.K. Singh, Member (A)

1. Shri Sohanbir Singh Petitioners
R/o 631/8-A, Krishan Gali
No.13, Adarsh Mohalla, East
Mauzpur, Delhi-110053.
2. Shri Sunit Minz,
R/o 231, Pocket-C-11, Sector 3,
Rohini, New Delhi-110085.
3. Shri A.B.P. Mishra
C-40, Hanuman Road, Near
Gurdwara, Bangla Sahib, New Delhi.
4. Shri A.K. Singh
R/o 203, Katwaria Sarai, Hauz Khas,
New Delhi.

(By Advocate Sh. R.K. Sharma)
Vs.

Union of India Respondents
through Secretary,
Dept. of Science & Technology

Shri R.K. Sharma, Counsel for the
Petitioners

JUDGEMENT (2314/93)

(Delibered by Hon'ble Mr. J.P. Sharma, Member (J))

Heard the learned counsel for the applicant on admission.
The applicants named above are working as Technical Assistants in
the Dept. of Science and Technology and filed this application
jointly praying for the relief that the promotion by the
establishment order dated 29.9.1993 so far as the applicants are
concerned the order is to be made on regular basis. By the
aforesaid order the applicants who are working as junior technical
assistants were promoted on adhoc basis as Technical Assistant in

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the scale of Rs. 1640-2900 for the period till 31.12.1993 or regular incumbent joins duty whichever is earlier. It is specially mentioned at the bottom of the order that the adhoc appointment will not confer any right for regularisation or for benefit such as seniority etc. on a future date.


The learned counsel for the applicant referred to the Recruitment Rules which provides that promotion to the grade of Technical Assistant is by promotion of Jr. Technical Assistants with five years regular service in the grade to the extent of two-thirds of the vacancies i.e. 66/2/3% failing which by direct recruitment and the remaining one third i.e. 33/1/3% by direct recruitment. Applicant No. 1 was confirmed as Jr. Technical Assistant with effect from July 1990 and was appointed to that post on 31.8.1977. Applicant No. 2 was appointed as Jr. Technical Assistant on 26.11.1977. Applicant No. 3 was appointed as Jr. Technical Assistant from 11.1.1988 and Applicant No. 4 was appointed as Jr. Technical Assistant from 14.1.1988.


The grievance of the applicant is that in March 1992 UPSC advertised 25 posts of Technical Assistants in the Department of Science and Technology and the examination for the same was conducted in December 1992. The case of the applicant is that the applicants are entitled to promotion in their quota of 66/2/3% and the UPSC has placed advertisement for direct recruitment for 25 posts which goes to show that there must be 50 posts of Technical Assistants in the promotee quota and so they are entitled to promotee quota. In fact the of the advertisement issued by UPSC goes to show that it was published in March 1992 and the posts advertised are temporary but likely to continue. It goes to show

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that the requisition by the Department must have been placed earlier to March 1992. Since five years regular service is required in the grade of Jr. Technical Assistant, none of the above named applicants have completed five years regular service in

March 1992 and, therefore, the advertisement was placed in accordance with the recruitment rules which though allows two-third of the vacancies to be filled by promotion but at the same time give an alternative to fill those posts by direct recruitment if the filling of the vacancies fails on account of promotion. Thus, the applicants were not eligible at that time. There is no prima facie case made out and the grievance harboured by the applicants is far sighted. The application, therefore, is dismissed making no prima facie for admission.


(B.K. Singh)
Member (A)


(J.P. Sharma)
Member (J)

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