

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 2381 of 1993

New Delhi, this the **20th** day of July, 1999

(7)

Hon'ble Mr. Justice K.M. Agarwal, Chairman
Hon'ble Mr. N. Sahu, Member(Admnv)

Shri S. Baliga, S/o late Dr. M.N. Baliga, Aged about 42 years, R/o D-II/32, Kidwai Nagar (West), New Delhi 110023, working as Executive Engineer, C.P.W.D., New Delhi.

- APPLICANT

(By Advocate None)

Versus

1. Union of India, through Secretary, Ministry of Urban Development, Nirman Bhawan, New Delhi.

2. The Director General (Works), Central Public Works Department, Nirman Bhawan, New Delhi

- RESPONDENTS

(By Advocate None)

ORDER

By Mr. N. Sahu, Member(Admnv)

The applicant seeks a consideration for promotion to the post of Superintending Engineer (in short 'SE') at par with his juniors with consequential benefits.

2. The applicant went on deputation to National Building Construction Corporation (in short NBCC) from 2.2.1983 and continued there until 11.10.1993. When he ^{was} repatriated back to the department he found that his immediate junior Shri Bipin Chand along with some other juniors have been promoted as SE on adhoc basis.

3. Notices were issued but the respondents failed to file their counter in spite of several opportunities. None appeared either for the applicant or for the respondents at the time of hearing on 13.7.1999.



(8)

4. It is true that adhoc promotion can be only on the basis of seniority-cum-merit but as the promotions were purely adhoc to the post of SE and as it was made clear that the adhoc promotion would not confer any right on the promotees to continue on regular basis or to seniority, and that they were liable to be reverted to the grade of Executive Engineer (in short 'EE') without assigning reasons; the respondents could not have considered the promotion of the applicant when he was on deputation continuously from February, 1983 to October, 1993. A deputationist could not have continued so long without his consent. The present grievance in the OA is he having been repatriated, he should be considered for adhoc promotion.

5. We would dispose of this OA with a direction to the respondents to consider the claim of the applicant after his repatriation for adhoc promotion to the post of SE in accordance with the guidelines laid down by the Ministry of Personnel and Training in OM No.22011/ 4/91 dated 14.9.1992 (refer to Swamy's Complete Manual on Establishment & Administration, 6th Edition, Chapter-53), within a period of four **months** from the date of receipt of a copy of this order. No costs.



(K.M. Agarwal)
Chairman



(N. Sahu)
Member (Admnv)

rkv.