

Central Administrative Tribunal
Principal Bench

O.A. No. 274 of 1993

New Delhi, dated this the 1st March 1999

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. T.N. BHAT, MEMBER (J)

Shri R.P. Singh,
S/o late Shri Kishan Singh,
3247, Gali Door Wali,
Mori Gate,
Delhi. Applicant

(By Advocate: Shri V.S.R. Krishna)

Versus

Union of India through
The Secretary,
Ministry of Civil Supplies & Public Distribution,
Krishi Bhawan,
New Delhi-110001. ... Respondent

(By Advocate: Shri K.C.D. Gangwani)

ORDER

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant impugns respondents' orders dated 21.1.93 (Ann. A-7) and seeks benefit of ad hoc promotion as Assistant for the period 1.3.89 to 4.7.89 with consequential benefits.

2. Admittedly applicant who had the required number of years of service as U.D.C. for eligibility for promotion as Assistant was appointed as Assistant on ad hoc basis w.e.f. 1.1.88 for a period of three months, or till a regular incumbent joined, whichever was earlier, and that ad hoc appointment was extended from time to time. As the vacancy against which applicant was appointed as Assistant was ~~of~~ reserved (ST) vacancy, it was subsequently filled up on regular basis by one Shri K. Mahto who was regularly

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promoted against that post w.e.f. 28.2.89 as a consequence of which applicant was reverted. Later, upon its coming to light that Shri K. Mahto did not belong to ST community, he was reverted w.e.f. 28.2.89 by order dated 17.7.91. Meanwhile applicant himself was again appointed as Assistant on ad hoc basis w.e.f. 5.7.89, and he now seeks continuity of that ad hoc appointment over the intervening period.

3. We have heard both sides and have considered the matter carefully.

4. An ad hoc appointment is by its very nature, a purely temporary, stop gap and fortuitous arrangement and no Govt. employee has an enforceable legal right to compel respondents to appoint him on ad hoc basis and that too with retrospective effect even if Shri Mahto's promotion was illegal. It is not applicant's case that any one junior to him was appointed as Assistant on ad hoc basis during the aforesaid period for him to claim being discriminated against. Respondents have asserted that the cases of Shri K.N. Kohli and Smt. Harjeet Kaur relied upon by applicant as precedents are in fact quite different on facts and there is no denial to that assertion in any rejoinder filed by applicant.

5. In the result there is nothing illegal, irregular, improper or infirm in the impugned orders which warrants our judicial interference.

The O.A. is dismissed. No costs.

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(T. N. Bhat)
Member (J)

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(S. R. Adige)
Vice Chairman (A)

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