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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

1. O.A.No.500 of 1989. Date of Decision: 4th March 94

B.C.Parcha, s/o Shri C.S.Parcha,
r/o Technical Assistant,
Films Division,
4, Tolstoy Marg,
New Delhi

By Shri S.K.Basaria, AdvocateApplicant

Versus

Union of India

through Chief Producer,
Films Division, 24, Dr. Deshmukh Road,
Bombay-26Respondent
By Advocate Shri P.P.Khurana

2. O.A.No.577 of 1989

1. Suresh Bhagwani
s/o Shri H.N.Bhagwani, aged 45 years,
r/o Section 3-139/14,
M.B.Road, New DelhiApplicants

2. S.N.Singh, s/o Shri J.Singh
r/o Sector 3-139/14, MB Road, New Delhi

VERSUS
Union of India through

1. Chief Producer, Film Division,
24, Dr. Deshmukh Road, Bombay-26.

2. Joint Chier Producer, Film
Division, 4 Tolstoy Marg,
New Delhi .

By Advocate Shri P.P.Khurana,Respondents

3. O.A.No.716 of 1993.

1. B.C.Parcha s/o Late Shri C.S.Parcha,
C/o Technical Assistant,
Films Division,
4, Tolstoy Marg,
New Delhi.

2. Suresh Bhagwani,
s/o Shri H.N.Bhagwani,
r/o C-125, Vikas Puri
New Delhi.

3. S.N.Singh,
s/o Late Shri J.Singh
r/o 139/14 Sector I,
M.B. Road,
New Delhi

By Advocate Shri S.K.BasariaApplicants

Versus

1. Union of India through
Chief Producer, Films Division,
24, Dr. Deshmukh Road,
Bombay-26.

2. Union of India through

through
Secretary,

Ministry of Information & Broadcasting,
New Delhi

.....Respondents

CORAM:

Hon'ble Mr. Justice B.C.Saksena, Vice-Chairman (J)

Hon'ble Mr. S.P.Adige, Member (A)

and one atted. noticer on behalf of the
Applicants, add. at 1000 to subse O R D E R

Hon'ble Mr. S.P.Adige, Member (A).

In O.A.No.500/89 and O.A.No.577/89, the
Applicants, all of whom are working as Technical
Assistant in the Films Division, Ministry of
Information and Broadcasting, New Delhi on
ad hoc basis since different dates, have prayed
for regularisation with effect from the dates
of commencement of their ad hoc appointments.

2. The dates of their ad hoc appointment are
given below:-

O.A.No.577/89

1. Shri Suresh Bhagwani

21.8.81

2. Shri S.N.Singh

16.10.85.

O.A.No.500/89

3. Shri B.C.Parcha

16.12.85.

3. In O.A.No.716 of 1993, the above mentioned

three applicants have prayed for promotion as

Superintendent from the post of Technical

Assistant along with other similarly situated

persons.

4. As these three O.A.s are interconnected and

for the sake of convenience, they are being

taken up together.

5. Admittedly, the posts of Technical Assistant

are to be filled in in the following manner:-

1. Direct recruitment -25%

2. Promotion on selection basis

-25%

3. Promotion on the basis of common departmental

examination

-50%

6. Admittedly, the 25% vacancies to be filled in by promotion on selection basis are from the feeder cadre of UDCs. It is also admitted

that the three applicants were appointed as Asstt. Superintendent purely on adhoc basis. There is a specific written

indication in the relevant appointment order, a copy of which was filed with the counter affidavit by the

respondents that these appointments were purely

adhoc and would not prejudice the claims of

others or confer any right on the appointee for

regular appointment. The respondents have

pointed out in their counter affidavit that these

adhoc appointments were made due to exigencies of

work, in the public interest in view of the ban

on direct recruitment against vacancies which

would have been filled by direct recruitment

according to the quota roster. It has also

been pointed out by the respondents that the

applicants are not the senior most on the basis of

All India Seniority in the feeder cadre.

7. From the materials on record, it is clear

that the post of Technical Assistant is a selection

post, promotion to which has to be made through

a DPC. It would appear that since 1985, the

DPC had met on five occasions and considered

eligible officials for promotion to vacancies.

On each occasion, the DPC met, the applicants

either did not come within the zone of

consideration or could not secure placement

in the panel. On 16.1.89, the DPC considered

the eligibility of officials for promotion to those vacancies and applicant No.1 (in O.A.No.577/89)

Suresh Bhagwani came within the zone of consideration.

His name was considered for a vacancy which occurred

in 1987 and his name was placed in the panel but

in view of the Tribunal's interim order dated 17.3.89

directing the continuance of the applicant on

the post of Technical Assistant, the order appointing

him to the post equivalent to the post of Accountant

was not issued. *Prima facie*, we have no reason to

doubt the averments made in the counter affidavit.

The appointment on adhoc basis is invariably a

stop-gap-arrangement. The appointment letter itself

states that it will confer no right or prejudice

the claims of others. The fact that these adhoc

appointments have continued since 1989 by virtue

of interim orders passed by this Tribunal, does not

strengthen the applicant's case in any manner.

8. The applicants have alleged that some persons

wrongly have been inducted as Technical Assistants from

the surplus cell but the relevant instructions

do not debar the respondents from doing so, and

in fact the persons in the surplus cell have

priority for redeployment as per statutory rules.

9. The applicants have also sought to derive

support from certain rulings, namely AIR 1992 SC

1574 N.S.K Nair Vs. UOI, AIR 1992 2157 State of

Haryana Vs. Piara Singh, AIR 1985(4) SC 43, AIR 1991

(4)SC 141 Tejinder Singh Vs. State of Punjab; and

1988(1)SLR 353 Satish Kumar Vs. Cane Commissioner

UP. None of these rulings are of much relevance in

these cases, as the facts in those cases are clearly

contrary to the facts in the present case.

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(12)

distinguishable from the facts in the present cases,

and moreover, the period of these adhoc appointments,

which in these cases counted for seniority, is

from the date of the appointment order till the

date the O.A. was filed, is also not of long duration.

As stated by the respondents, the applicants are not

the seniormost in the All India seniority list,

and if their prayer for regularisation is acceded to

without considering their seniors, it would

adversely affect the rights of those senior to them

in the All India Seniority list, none of whom

have been impleaded by the applicants in these O.A.s.

8. In the result, O.A.No.500/89 and O.A.No.577/89

have no merit and are accordingly dismissed. The

interim orders are hereby vacated.

9. In so far as O.A.No.716/93 is concerned, the

question of promotion of the applicants to the

post of Superintendent would arise only if they

have five years' regular service as Technical Assistant.

As the applicants have been functioning as Technical

Assistant on adhoc basis and they lack the essential

qualification of five years' regular service,

they are not eligible for the higher post of

Superintendent. This application has also no merit

and it is accordingly dismissed.

10. There shall be no order as to costs.

(S.R.ADIGE)
MEMBER(A)

(B.C.SAKSENA)
VICE-CHAIRMAN(J)

/ug/

Suron Kumar
4/3/84

Court Office
Central Administrative Tribunal
Principal Bench, New Delhi
Fridays 10:00 AM
Opp. Supreme Court
Delhi-110001