

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 22nd day of February, 2005.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.

HON. MR. S. C. CHAUBE, A.M.

O.A. No. 1151 of 1996

R.K. Chamoli, Son of Late Shri D.R. Chamoli, R/O E-6, Hathibarkala Estate, Survey of India, Dehradun, at present working as Asstt. Director (OL), Northern Circle, 17-E.C. Road, Dehradun.....
.....Applicant.

Counsel for Applicant : Sri S. Chandra

Versus

1. The Union of India represented through The Secretary to the Govt. of India, Ministry of Science & Technology, Technology Bhawan, New Mehrauli Road, New Delhi.
2. The Surveyor General of India, Survey of India, Hathibarkala, Dehradun.
3. Shri L.S. Gosain, Assistant Director (OL), Surveyor General's Office, Survey of India, Hathibarkala, Dehradun.

.....Respondents.

Counsel for Respondents : Sri G.R. Gupta.

O R D E R (Oral)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

None appears for the parties. On 23.11.2004, while adjourning the case, it was made clear that no further adjournment shall be granted even if the counsel for the parties are not present, appropriate orders shall be passed. Accordingly, we proceed to dispose of the O.A. on merits.

2. The applicant has instituted this O.A. seeking the following reliefs :-

- That it be declared that the applicant holds the Post of Hindi Officer continuously with effect from 17.3.1973.
- That all consequential benefits after the declaration as per prayer 'i' is granted, be given to him.
- That a suitable direction be given to respondent Nos. 1 and 2 that in case any higher post is created in the discipline to which the applicant

.....none than the applicant.

belongs, the same may not be filled in till the recruitment rules for that post are finalised."

3. Briefly stated the facts are that the applicant was appointed as Hindi Translator on 2.9.1972 in the office of the Surveyor General of India and thereafter in October, 1972, he was appointed on the post of Hindi Officer on ad-hoc basis for a period of six months pursuant to an advertisement issued in October, 1972. Offer of appointment on ad-hoc basis was issued vide order dated 17.3.1973. Since the recruitment rules were not framed, the period of ad-hoc appointment was extended from time to time up to 30.9.1979 with the approval of the Department of Science and Technology as well as the Union Public Service Commission. After the rules were framed, the matter was referred to the Government for regular appointment. The applicant was considered for the post of Hindi Officer on regular basis vide letter dated 17.2.1979 with consultation of U.P.S.C. and was appointed as Hindi Officer on regular basis w.e.f. 2.2.1979 vide notification dated 17.4.1979 but subsequently U.P.S.C. withdrew its advice on the basis of which the applicant was appointed as aforesaid and it was decided that as the post was to be filled by promotion through Departmental Promotion Committee and the earlier notification dated 17.4.79 was cancelled vide notification dated 19.10.79. Thereafter the applicant was reverted to his original post of Hindi Translator vide office order dated 13.5.1981. Shri Laxman Singh Gosain, Hindi Translator was appointed on 18.1.1981 through D.P.C. vide S.Gs. Notification dated 24.1.1981 and subsequently applicant was also appointed w.e.f. 4.9.1982 (F/N) vide notification dated 14.6.1982. The validity of notification dated 19.10.1979 cancelling the earlier notification dated 19.4.1979 was never challenged and, therefore, the applicant cannot be permitted now to claim any benefit of his appointment made earlier on ad-hoc basis w.e.f. 2.2.1979 pursuant to notification dated 19.4.79 (supra) which came to be cancelled by notification dated 19.10.79. Appointment of Shri Laxman Singh Gosain on the post of Hindi Officer was made w.e.f. 18.1.81 (F/N) on the basis of recommendation made by the DPC while the applicant came to be appointed as Hindi Officer w.e.f. 24.9.82.

4. In the circumstances, therefore, it is not possible to hold the applicant as Senior to Shri L.S. Gosain who was appointed earlier in time than the applicant.

We find no ground made out to extend the benefit of ad-hoc appointment from 2.2.1979 to 22.4.1982 for the purpose of reckoning seniority of the applicant vis-a-vis Shri L.S. Gosain. The O.A. came to be instituted in the year 1996 whereas the cause of action arose in the year 1981 when L.S. Gosain was appointed on the basis of recommendations made by the D.P.C. while the applicant came to be appointed w.e.f. 24.2.82. The O.A. in the circumstances is liable to be dismissed.

5. Accordingly, the O.A. is dismissed with no order as to costs.

Asthana
A.M.

RG
V.C.

Asthana/