

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 15<sup>th</sup> day of July, 1996

Original Application No.120 of 1996

District: Varanasi

CORAM :- Hon'ble Mr. S. Das Gupta, A.M.  
Hon'ble Mr. T.L. Verma, J.M.

O.K. Raizada S/o Late R.P. Srivastava,

Junior DAO/E.Rly.Moghalsarai, Varanasi.

(By Sri SK Dey/Sri SK Mishra, Advocates)

. . . . . Applicant

Versus

1. Union of India through the G.M. E. Rly.,

Calcutta-1.

2. The Chief Cashier E. Rly. Calcutta.

. . . . . Respondents

ORDER (O\_r\_a\_l)\_

By Hon'ble Mr. S. Das Gupta, A.M.

Heard learned counsel for the applicant on admission.

2. This application has been filed seeking a direction to assign the applicant seniority w.e.f. 26-12-1991 i.e. the date on which he was appointed on adhoc basis.

3. The applicant has averred that he was initially promoted as Junior D.C. by order dated 26.12.91. Subsequently, in order to regularise his ad hoc promotion, he was called for selection for the post of Junior D.C. by letter dated 1.7.92. By filing an OA No.1370/92 he challenged the selection and the panel for the post of Junior D.C. and the same OA was dismissed by a Bench of this Tribunal by the order dated 19-9-1995, a copy of which has been placed at Annexure-A-2.

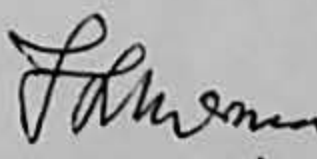
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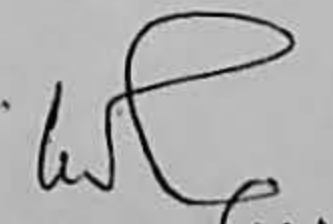
4. We have gone through the aforesaid order of the Tribunal. It has clearly been held in the aforesaid order that the promotion of the applicant on ad hoc basis would not confer any substantive right to the applicant. If there is ~~no~~ a process ~~and~~ <sup>of</sup> empanelment by trade test or suitability test based on seniority, no person can have any claim till he passes the suitability test. It has also been specifically held that since the applicant has not been empanelled by seniority-cum-suitability test ~~in the form of~~ <sup>before his</sup> ad hoc appointment, he has acquired no right as a result of this ad hoc promotion.

5. The applicant has further averred that in the subsequent selection test he had qualified and therefore he was promoted on the regular basis by order dated 20-12-1993. He is now seeking seniority w.e.f. from the date of initial ~~initial~~ appointment on ad hoc basis.

6. The application is obviously barred by constructive Res Judica since in the earlier OA a Bench of the Tribunal has already adjudicated the extent of right accrued to the applicant by virtue of the ad hoc appointment. In any case, we find no merit in this application. It is settled law that in case initial ad hoc appointment was not through proper selection, no right accrues by virtue of such ad hoc appointment.

7. The application is accordingly dismissed at the admission stage itself.

  
Member (J)

  
Member (A)

Dube/