

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 19th day of February 1999.

Original Application no. 698 of 1998.

Hon'ble Mr. S. Dayal, Administrative Member
Hon'ble Mr. S.K. Agrawal, Judicial Member

1. Shri Tilak Raj, S/o Late Shri Sardari Lal Gulati
r/o Wing No. 5, Bk 12/3, Prem Nagar, Dehra Dun.
2. Shri T.N. Sharma, S/o Shri H.D. Sharma, r/o 66/199,
Salawala, Dehra Dun.

... Applicants.

C/As Shri K.C. Sinha

Versus

1. 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, Dehra Dun.

... Respondents.

C/Rs ...

ORDER

Hon'ble Mr. S. Dayal, Member-A.

This O.A. has been filed under section 19 of the
Administrative Tribunals Act, 1985, jointly by two applicants
for claiming certain reliefs. One of the reliefs sought is
for setting aside order dated 24.03.98 by which request for
continuation of ad-hoc promotion of the applicant till the
date of superannuation of applicant no. 1 has been rejected.

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Similar relief has been claimed in respect of applicant no. 2 also but no order of rejection has been annexed to the O.A. in respect of applicant no. 2. As Annexure A-17 to the application seems to suggest that applicant no. 2 had also represented for continuation as well as regularisation of his ad-hoc appointment, his inclusion as a co-applicant in this O.A. is allowed.

2. We have heard the argument of Shri S. Chandra brief holder of Shri K.C. Sinha for the applicant.

3. Basically the reliefs claimed in the O.A. are two fold the first is for direction to the respondents to convene D.P.C. meeting and consider year wise vacancies separately. The second is that the respondents be directed to grant ad-hoc promotion to the applicant from the date of discontinuation of ad-hoc promotion which has been shown to be 16.01.96 upto the date of superannuation of the applicants which are 31.03.98 and 30.04.98 respectively.

4. The facts as shown in the O.A. are that the respondents had promoted some 40 Officer Surveyors including the two applicants to the post of Superintending Surveyors on ad-hoc basis and such ad-hoc appointments were extended from one quarter to another and remained in force till 16.01.96. At the end of 1995 certain officer Surveyors were posted on regular basis and the ad-hoc appointments are not shown to have continued beyond 16.01.96. It is also on record that D.P.C. proposals are under process. The meeting has not been held till the date of superannuation of the applicants.

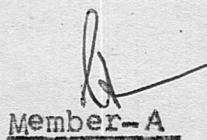
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5. In the light of these facts the direction to D.P.C. to consider year wise vacancies in the D.P.C. to be held does not give them a cause of action as they have already retired and any regular promotions can only be prospective. As regards their claim for confirmation of ad-hoc appointment, the learned counsel for the applicant was asked as to how the applicants could be considered entitled to ad-hoc appointment after they were superceded in 1995. He mentioned that the applicants were not considered in the D.P.C. of 1995. We do not accept this contention in view of averments made in para 4.31 and Annexure A-16. The pleadings shows that the applicants were considered and superceded.

6. We, therefore, find that the applicants have not made out a *prima facie* case for reliefs claimed and the O.A. is dismissed in *limine* at admission stage.



Member-J



Member-A

/pc/