CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

. . . .

Registration T.A.No.591 of 1987

R.S.Lal Srivastava      . . . .                    Applicant

vs.

Union of India & Others . . . .                Respondents


Hon'ble Mr.Justice U.C.Srivastava,V.C.
Hon'ble Mr. K. Obayya, Member (A)

                    (By Hon.Mr.Justice U.C.Srivastava,V.C.)

            The short question in this application is
as to whether the applicant was entitled to count the
entire period towards his seniority including the period
he worked on ad-hoc basis prior to the regularisation.
The applicant was initially appointed on 6th July, 1965
as Investigator(Chemical), Small Industries Services
Institute and he was duly promoted on 17th Juny, 1968 on
the post of Small Industries Promotion Officer(Chemical)
and previously the post of S.I.P.O. was known as Junior
Field Officer(Chemical). The applicant was declared
quasi permanent w.e.from 6.7.1968 and was confirmed as
Investigator w.e.f. 30th January, 1970. In the year
1971 the post of S.I.P.O. was declared as Class II post.
and their service conditions were governed by the statu-
tory rules known as 'Junior Field Officers Investigator
(Small scale Industries Organisation) Recruitment Rules
1962. In the seniority list of Small Industries Promotion
Officer in the Chemical Section under non-Engineering
Technical Divisions in the SIDO as on 1st July, 1980
the applicant's name was missing and he was not shown
in the seniority list. The applicant like various
other persons was also regularised on the post of
S.I.P.O. on 17th June, 1983. The applicant's claim is
that ofcourse his seniority should be counted w.e.f. the
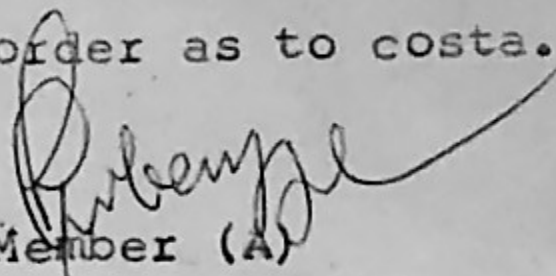date he was promoted on the said post that is  in the

year 1968.

2.       The claim of the applicant has been resisted
by the respondents who have pleaded that it was a
selection post,and the applicant's case was considered
by the D.P.C. and the D.P.C. did not find him suitable and that
is why the applicant was not promoted.  The meeting
of the D.P.C. was convened on 1.3.1976 to consider
the promotion of officers to the posts of S.I.P.O.
against the 5 available vacancies.   18 names including
the name of applicant were considered and the names of
5 officers were considered and they were graded higher
than that of the applicant.   The respondents have
stated that the applicant became eligible for promotion
only on 6.7.1970 after completing 5 years of service
in the grade as provided in the recruitment rules and
his name was included inthe seniority list earlier due
to mistake, and earlier as he was promoted to the grade
of S.I.P.O.(Chemical) on ad-hoc basis his name was
not included in the list of S.I.P.O. as it was purely
an ad-hoc promotion.  Again the D.P.C. met for filling
of 3 vacancies27.9.1978 and the names of 15 officers
including the applicant were considered, but the
applicant was not recommended by D.P.C. for promotion
and those two persons who were juniors to the applicant
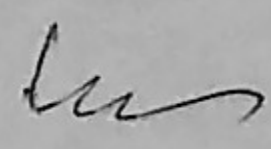were recommended.for promotion and accordingly promoted.

3.       The applicant has continuously agitated with
the matter and ultimately he was regularised with effect
from the date mentioned above.  As the applicant was
regularised on a subsequent date, and the post was
selection post,the applicant cannot claim himself
to be senior to those who were selected earlier than
him.  It is true that the juniors were selected prior
to the selection of the applicant and the applicant
has given various grounds for their selection including

that they were related to some one/higher in the department
or the nominee of some one made and so on.But the
Departmental Promotion Committee after considering the
record found them fit and graded them higher than the
applicant. We cannot sit in the judgment over the ass-
essment made by the Departmental Promotion Committee
and that too at this stage, and the applicant's claim
for seniority cannot succeed and accordingly this
application has got to be dismissed and is dismissed.
No order as to costs.

Member (A)                                    Vice-Chairman.

30th October, 1991, Alld.

(sph)