

(61)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD

O.A.No.611 of 1987.

Date of Judgment : 22-2-1990

P.P.Nair

.. Applicant

Versus

Additional Secretary,
Department of Atomic,
Energy, C.S.N.Marg,
Bombay-400039
& another

.. Respondents

COUNSEL FOR THE APPLICANT : Shri P.N.VENKATACHARI

COUNSEL FOR THE RESPONDENTS : Shri K.Jagannatha Rao &
Shri N.Bhaskar Rao
Addl.CGSC for RR1.

: Shri C.Venkata Krishna,
Advocate for RR2.(Not
Present)

CORAM:

HONOURABLE SHRI J.NARASIMHA MURTHY : MEMBER (JUDL)

HONOURABLE SHRI R.BALASUBRAMANIAN : MEMBER (ADMN)

[Judgment as per Hon'ble Shri R.Balasubramanian,
Member (Admn)]

This application under section 19 of the
Administrative Tribunals Act has been made by Shri
P.P.Nair against the Additional Secretary, Department of
Atomic Energy and another private respondent.

2. The applicant is working as Assistant Accountant
since 13.6.72 in the Department of Atomic Energy
at Hyderabad. The applicant was selected for promotion
to the post of Assistant Accounts Officer against the
12.5% quota reserved for Accounts Assistants who have
crossed the age of 48 years. On regular promotion

13

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he was posted to Kakrapar Atomic Power Project (KAPP), Surat, Gujarat. Since his wife was employed in Nuclear Fuel Complex and due to domestic reasons the applicant did not move out. The applicant sought for a posting at Hyderabad itself whether in the unit where he was working or in Nuclear Fuel Complex. This was not agreed to by the respondent vide his letter dated 26.3.87. He has also alleged that the private respondent No.2 had been allowed to continue in ad-hoc capacity although he was his junior. He has prayed that the Tribunal to declare the ad-hoc appointment of the 2nd respondent illegal and that he be appointed regularly in the higher post with effect from the date his junior had been appointed.

3. The respondent has opposed this. Promotion from Assistant Accountant's grade to Assistant Accounts Officer's grade is done in two streams -

- (1) by selection of candidates, and
- (2) by a mere interview for those Assistant Accountants who are over 48 years of age and had completed 3 years of regular service in the grade of Assistant Accountant in the department and the constituent units. -

87½% of the vacancies in the Assistant Accounts Officer's cadre are reserved for the former category and the balance 12½% for the latter category. The applicant who was above 48 years of age was considered against the latter quota and approved for promotion. He was posted to KAPP. The applicant, for domestic reasons, did not want to leave Hyderabad and his request for regular posting to Hyderabad could not be acceded to. While the applicant could not be considered for a regular posting at Hyderabad his name was considered for ad-hoc promotion in the unit in which he was working namely Directorate of Purchase & Stores (DPS).

It is also their point that there was only one vacancy against the 12½% quota and this was available at KAPP, Surat, Gujarat. They have pointed out that the ad-hoc promotion of the 2nd respondent had been terminated on 31.8.87 consequent to the duly qualified candidate from the 87½% quota having reported. They have pointed out that while regular posting is done on an All India basis, ad-hoc arrangements are resorted to only on unit basis. The applicant belongs to the DPS and cannot therefore be considered for ad-hoc promotion in any other unit while he can be considered for regular posting on an All India basis. They have, therefore, pointed out that Shri P.P.Nair could not be accommodated at Hyderabad in a regular vacancy.

4. We have heard the learned counsels for both sides and examined the case. We find that the applicant is already working as Assistant Accounts Officer in an ad-hoc arrangement in the DPS. By an order dated 19.4.88 this Tribunal wanted that the arrangement should not be disturbed till the disposal of the main case. Thus ad-hoc promotion of the applicant in the DPS itself is continuing till date. We find force in the contention of the respondents that ad-hoc arrangements can be resorted to only ~~on~~ on unit basis unlike in the case of regular promotion which has to be on an All India basis. The applicant was regularly selected and was posted to Surat, Gujarat. At the time the order was issued in September, 1986 the applicant had still 3 years and 9 months of service left and normally in the case of promotion the applicant should have gone to Surat, Gujarat if he wanted promotion. In the case of the 2nd respondent also, ad-hoc arrangement within that unit namely Nuclear Fuel Complex was resorted to. However, when a regular candidate in the 87½% quota turned up, the 2nd respondent

was reverted on 31.8.87 itself. The applicant in this case also may ~~have~~ face a similar situation. The panel in which his name was included at serial 9 was prepared long back and its life being only one year the applicant has no claim for a regular posting now since he had already declined the promotion that was offered to him in September, 1986. However, by a direction of this Tribunal the applicant is continuing in the ad-hoc arrangement. The applicant is due to retire on super-annuation in June this year barely 4 months hence. While we do not see any reason to interfere on behalf of the applicant we leave it to the consideration of the respondents to take a sympathetic view in view of the fact end of the service of the applicant and continue the ad-hoc arrangement as long as they can.

5. In the result the application fails. There is no order as to costs.

MS-

R.Balasubramanian

(J.NARASIMHA MURTHY)
Member (Judl)

(R.BALASUBRAMANIAN)
Member (Admn) .

Dated 22-1-'90

To

1. Additional Secretary, Department of Atomic Energy, 6.S.M. Marg, Bombay-400039.
2. One copy to Mr.P.N.Venkatachari, Advocate, A.P.High Court Advocates' Association, Hyderabad-500000.
3. One copy to Mr. N.Bhaskara Rao, Addl.CGSC, CAT, Hyderabad.
4. One copy to Mr.C.Venkata Krishna, Advocate, 7-1-571, Subhas Road, Secunderabad.
5. One copy to Hon'ble Sri R.Balasubramanian, Member(Admn.),CAT, Hyd.
6. One spare copy.

W.F.J. 20/1/90