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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.755/89

Date of Order: 10.8.93

BETWEEN:

G.Sreerama Chandra Murthy

.. Applicant

A N D

1. Engineer-in-Chief,
Army Headquarters,
DHQ PO, New Delhi.

2. Director-General of Naval
Projects, Visakhapatnam.

.. Respondents.

Counsel for the Applicant

.. Mr.V.Jogayya Sarma

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

HON'BLE SHRI A.B.GORTHY : MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

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Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member(Admn.).

The applicant's claim is that his seniority in the Grade of Assistant Engineer should reckon from 25.2.1983 on which date he was promoted to that post on an adhoc basis. He secondly prays that his seniority should be revised and he be given proper placement in the revised seniority list showing his name over and above ^{all} ~~Although~~ the Assistant Engineers who were promoted and put on probation on dates subsequent to that when the applicant was initially promoted.

2. The applicant is a Diploma Holder in Mechanical Engineer^{ing} and was promoted to the post of Superintendent E/M Grade-I on 13.5.1965. While he was working in that post he was promoted on adhoc basis as Assistant Engineer which appointment he assumed w.e.f. 25.2.1983. He was put on probation for 2 years. The ~~said~~ probation was lifted by a communication of the Engineering Chief, Army Head Quarters dated 8.4.1985. The said fact was also notified in Part-II order No.16/85 dated 24.6.1985.

3. The applicant received another communication dated 29.10.1987 which indicated that he was promoted to the post of Assistant Engineer and was put on probation for a period of 2 years. As he had already been promoted as early as in 1983 and had cleared the probation also in 1985, he felt aggrieved by the second order

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of promotion and represented against the same. The said representation dated 23.5.1988 was rejected by the competent authority on 12.7.1988. The applicant once again represented on 5.1.1989^{and} it was rejected on 15.2.1989. Aggrieved by the same he has filed this application.

4. The respondents in their reply affidavit have ascertained 2 relevant facts. Firstly they stated that it was a mistake on their part to show the applicant was on probation on his promotion to the post of Assistant Engineer on an adhoc basis in 1983. There was thus no question of lifting the probation in 1985^{and} it was done erroneously. Thereafter, the applicant was promoted in turn on a regular basis by order dated 29.10.1987. As this was a regular promotion to the post of Assistant Engineer he was put on probation as required by the extant instructions. The second point raised by the respondents is that as the initial promotion of the applicant was purely on adhoc basis the same would not count for seniority. Accordingly his name has been shown in the seniority list ~~as~~ correctly along with all his other colleagues who were promoted to the post of Assistant Engineer on a regular basis.

5. There can be no doubt that an employee who is promoted on an adhoc basis cannot be put on probation as such. Even if one is put on probation erroneously, it would not alter the complexion of the nature of his promotion. In the instant case admittedly the applicant was promoted only on adhoc

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To .

1. The Engineer-in-Chief,
Army Headquarters, DHQ PO, New Delhi.
2. The Director General of Naval Projects,
Visakhapatnam.
3. One copy to Mr.V.Jogayya Sarma, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
5. One copy to Library CAT.Hyd.
6. Onespare copy.

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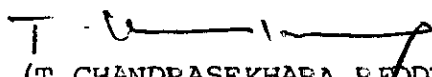
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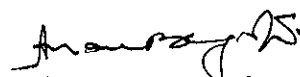
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basis to the post of Assistant Engineer w.e.f. 25.2.1983. His regular promotion to that post was ordered ~~only~~ w.e.f. 29.10.1987 and ordinarily seniority reckons only from the date of regular promotion and the service rendered in an adhoc capacity will not count for seniority. In this context we may place reliance on the judgement of the Supreme Court in Keshava Chandra Joshi Vs. Union of India A.I.R. 1991 SC 284. The relevant portion of the judgement is extracted below:

" Where the initial appointment is only adhoc and not according to rules and made as stop gap arrangement, the officiation in such post cannot be taken into account for consideration of the seniority. The appointment to a post must be according to rules and not by way of adhoc or stop-gap arrangement made due to administrative exigencies. If the initial appointment thus made was de hors the rules, the entire length of such service cannot be counted for seniority."

6. In view of the afore-stated we are of the considered opinion that there is no merit in the application and the same deserves to be dismissed. Accordingly OA is dismissed. There shall be no order as to costs.

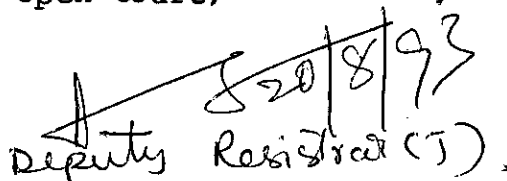

(T.CHANDRASEKHARA REDDY)
Member (Judl.)


(A.B.GORTHI)
Member (Admn.)

Dated: 10th August, 1993

(Dictated in Open Court)

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Deputy Registrar (T).

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 10-8-1993

ORDER/JUDGMENT:

M.A/R.A/C.A.No.

in

O.A.No.

755/89.

T.A.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered

No order as to costs.

Central Administrative Tribunal
DESPATCH

30 AUG 1993

HYDERABAD BENCH