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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.635 of 1992

DATE OF JUDGMENT: 23rd February 1993

BETWEEN:

Mr. P.Babu Rajendran

..

Applicant

AND

1. Union of India represented by the
Secretary to Government,
Ministry of Water Resources,
New Delhi.
2. The Chairman,
Central Water Commission,
R.K.Puram,
New Delhi.
3. The Chief Engineer,
Central Water Commission,
Government of India,
Hyderabad.

..

Respondents

COUNSEL FOR THE APPLICANT: Mr. N.Ramamohan Rao

COUNSEL FOR THE RESPONDENTS: Mr. N.V.Ramana, Addl.CGSC

CORAM:

Hon'ble Shri R.Balasubramanian, Member (Admn.)

Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.)

T. C. R.

contd....

P. J.

.. 2 ..

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI T.CHANDRASEKHARA REDDY, Member (Judl.)

This application was filed under Section 19 of the Administrative Tribunals Act, 1985 to declare that the applicant is entitled to be treated as having been promoted as Extra Assistant Director/Assistant Engineer on an adhoc basis with effect from 5.6.1987 and to direct the respondents to fix the pay of the applicant in the category of Extra Assistant Directors/Assistant Engineers from the date he had been promoted on adhoc basis and for certain other reliefs.

2. The facts giving rise to this OA in brief are as follows:-

The applicant was appointed to the post of Supervisor (now redesignated as Junior Engineer) in the Central Water Commission with effect from 22.5.1972. He went on deputation to National Water Development Agency, with effect from 6.6.1984 initially for a period of two years but he continued on deputation till the end of May 1987. While the applicant was on deputation, some of his juniors were promoted to the post of Assistant Engineers in the year 1986 and also in the year 1987 after the

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applicant had ~~been~~ returned to the parent department on 5.6.1987. After his return to the parent department, the applicant was ^{given} not ~~ad~~hoc promotion with effect from the date his junior had been given adhoc promotion in the post of Assistant Engineer. The applicant ~~was~~ ^{is} said to have made several representations but in vain. The applicant ~~is said to have~~ ~~prom~~ been promoted on regular basis with effect from 18.8.1992. The grievance of the applicant is that he is liable to be promoted on adhoc basis from the date his immediate junior was promoted with all consequential benefits and on his regular promotion from 18.8.1992 his pay is ~~also~~ ^{is} liable to be stepped up equal to that of his junior. So, the applicant has filed the present application for the reliefs as already indicated above.

3. Counter affidavit is filed by the respondents opposing this O.A.

4. We have heard Shri Abhinand for Mr. N. Ramamohan Rao for the applicant and Shri V. Rajeswara Rao for Mr. N.V. Ramana, learned Additional Standing Counsel for the Respondents. During the course of the ~~hearing~~, it was conceded that the applicant had been promoted on ~~adhoc~~ ^{regular} basis with effect from 18.8.1992. So, as the applicant had been promoted on ~~regular~~ ^{regular} basis as Assistant Engineer, the applicant has got right for his pay to be stepped up ^{immediate} equal to that of his junior with effect from 18.8.1992.

5. So far as the other grievance of the applicant is concerned with regard to adhoc promotion with effect

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1. Secretary to Government, Ministry of Water Resources, Union of India, New Delhi.
2. The Chairman, Central Water Commission, R.K.Puram, New Delhi.
3. The Chief Engineer, Central Water Commission, Government of India, Hyderabad.
4. One copy to Sri. N.Ram Mohan Rao, advocate, 714, Brindavan apartments, Red hills, Hyd.
5. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
6. One spare copy.

Rsm/-

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from the date his juniors have been promoted, we are not inclined to give any direction to the respondents as the applicant has now been promoted on regular basis. It is strongly contended on behalf of the applicant by Shri Abhinand that the applicant should be given the pay and emoluments in the post of Assistant Engineer after giving him adhoc promotion with effect from the date ~~the~~ junior to the applicant had been promoted on adhoc basis. Even if adhoc promotion is given to the applicant as contended by the learned counsel for the applicant, as the applicant had not worked in the promotional post on adhoc basis, in view of the Judgment in Paluru Ramakrishnaiah's case (AIR 1990 SC 166) and Virendra Kumar's case (AIR 1991 SC 958), the applicant is not entitled for pay and allowances in the promotional post ~~in which post he had not worked~~. Hence, we see no point in the argument of the learned counsel for the applicant that the applicant is entitled for arrears ~~and allowances etc~~ in the promotional post.

6. In the result, we direct the respondents to step up the pay of the applicant equal to that of his junior with effect from 18.8.1992 with all consequential benefits.

7. The OA is allowed accordingly leaving the parties to bear their own costs.

CERTIFIED TO BE TRUE COPY
Date.....
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

1413 p3

Copy to:-

1. Secretary to Government, Ministry of Water Resources, Union of India, New Delhi.
2. The Chairman, Central Water Commission, R.K.Puram, New Delhi.
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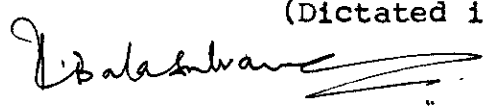
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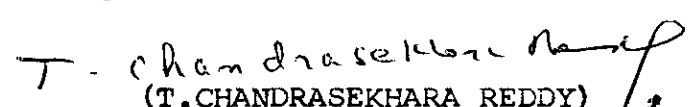
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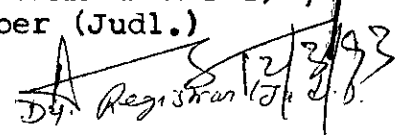
7. The OA is allowed accordingly leaving the parties to bear their own costs.

(Dictated in the open Court).


(R. BALASUBRAMANIAN)
Member (Admn.)


(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 23rd February, 1993.


Dy. Registrar

(5)

O.N. 63792

TEMPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V. NEELADRI RAO :V.C.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN :M(A)

AND

THE HON'BLE MR. CHANDRA SEKHAR REDDY
:MEMBER(J)

AND

THE HON'BLE MR.

DATE: 23/2/1993

ORDER/JUDGMENT:

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

A.A.No.

In- 63792

T.A.No.

(W.P.No.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs.

pvm

Central Administrative Tribunal
DESPATCH
15 MAR 1993
HYDERABAD BENCH