

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.448/97

Date of order: 17.1.2002

D.C.Roat, S/o Sh.Galaji, R/o House No.13, Hathroi
Babadi, Jaipur, working as Field Publicity Officer.

...Applicant.

Vs.

1. Union of India through Secretary, Mini.of
Information & Broadcasting, Govt of India, Shastri
Bhawan, New Delhi.

...Respondent.

Mr.P.P.Mathur : Counsel for applicant

Mr.Bhanwar Bagri : Counsel for respondents.

CORAM:

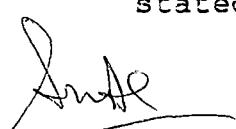
Hon'ble Mr.S.K.Agarwal, Judicial Member.

Hon'ble Mr.H.O.Gupta, Administrative Member

PER HON'BLE MR S.K.AGARWAL, JUDICIAL MEMBER.

In this O.A filed under Sec.19 of the ATs Act, 1985, the applicant makes a prayer (i) to direct the respondents to treat the applicant as Scheduled Tribe employee from the date he was initially appointed; (ii) to direct the respondents to promote the applicant to Group-A service w.e.f. 10.5.95 or to promote him on roster point; (iii) to direct the respondents to pay him salary of Group-A service of IIS w.e.f. 10.5.95; and (iv) to direct the respondents to give him all monetory and other benefits.

2. In brief the case of the applicant is that he was initially appointed in the Central Information Service on 11.10.83 on the post of Field Publicity Officer. At the time of interview/selection the applicant submitted a certificate as an evidence that he is a member of ST community. It is stated that the applicant was selected through UPSC in the



year 1996. Before his appointment in IIS he was holding the post of Field Exhibition Officer in the Directorate of Advertising & Visual Publicity where the applicant was treated as an ST candidate. It is stated that on 1.4.89 a seniority list was published in which the applicant caste status has not been shown as ST in the seniority list. It is stated that promotion to IIS Group-A on ad hoc basis was issued vide order dated 10.5.95 in which the candidature of the applicant was not considered whereas his juniors were given promotion. Therefore, the applicant filed this O.A for the relief as above.

3. Reply was filed. It was admitted in the reply that the applicant is an ST employee but it is stated that the applicant did not produce the ST certificate, therefore, his name could not be included while giving ad hoc promotion to IIS Group-A on 10.5.95. It is also stated that ad hoc promotions were made by way of stop-gap arrangement only to meet the administrative exigencies and all the persons who have been given ad hoc promotions were reverted. Now nobody is ranking above the applicant. It is stated that the applicant earlier never approached to bring his particulars to be brought on record. It is further stated that ad hoc promotion is not a right of an employee and granting consequential benefits does not arise as the promotion could not be granted due to the failure on the part of the applicant. Thus, the applicant has no case.

4. Rejoinder and reply to rejoinder has also been filed reiterating the facts as stated above which are on record.

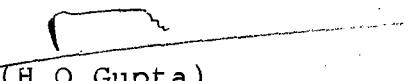
5. Heard the learned counsel for the parties and also perused the whole record.

6. It is an established fact that vide order dated



10.5.95, ad hoc promotions were given in IIS Group-A only as a stop-gap arrangement to meet the exigencies of work. These promotions were granted vide order dated 10.5.95 have been withdrawn and after withdrawal of the promotion orders, the seniority of the applicant did not affect at all. No one has a right for ad hoc promotion. Therefore, in our considered view, the applicant has no case for interference by this Tribunal and this O.A devoid of any merit is liable to be dismissed.

7. We, therefore, dismiss this O.A having no merits with no order as to costs.


(H.O.Gupta)

Member (A).


(S.K.Agarwal)

Member (J).