CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Applications Nos. 794, 800,
868, 869, 870 and 871 of 2002

Indore, this the 20th day of July, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

(1) Original Application No.794 of 2002

K.L. Rajpoot
aged about 50 years
Son of Shri N.V. Rajpoot
Occu: Chargeman E & I
Security Paper Mill(SPM)
Distt:: HOS'BAD(MP) APPLICANT

(By Advocate - Shri S.S. Tripathi on behalf of
Shri Praveen Verma)

VERSUS

1. Union of India,
Through:: Secretary
Ministry of Finance
New Delhi.

2. General Manager
Security Paper Mills(SPM)
Distt. Hos'Bad RESPONDENTS

(By Advocate - Shri P.Shankaran)

(2) Original Application No.800 of 2002

S.K. Chandele
aged about 53 years son
of Shri R.D. Chandele
Occu: Chargeman E & I
Security Paper MILL(SPM)
Distt. HOS'BAD(M.P.) APPLICANT

(By Advocate - Shri S.S. Tripathi on behalf of
Shri Praveen Verma)

VERSUS

1. Union of India
Through: Secretary
Ministry of Finance
New Delhi.

2. General Manager
Security Paper Mills(SPM)
Distt Hoshangabad RESPONDENTS

(By Advocate - Shri P.Shankaran)

(3) Original Application No. 868 of 2002

Sanjeev Sharma
Aged About 32 years
Son of Shri P.K.Sharma
Occu Technician Grade II
Security Paper Mill(SPM)
Distt:: HOS'BAD(MP) APPLICANT

(By Advocate - Shri S.S. Tripathi on behalf of
Shri Praveen Verma)

VERSUS

1. Union of India
Through Secretary
Ministry of Finance
New Delhi.

2. General Manager,
Security Paper Mills
(SPM) Distt. Hoshangabad RESPONDENTS

(By Advocate - Shri S.A.Dharmadhikari)

(4) Original Application 869 of 2002

D.D. Gawai
Aged About 40 years,
Son of Shri D.M. Gawai
Occu:: Technician Grade I
Security Paper Mill(SPM)
Distt:: HOS'BAD(MP) APPLICANT

(By Advocate - Shri S.S. Tripathi on behalf of
Shri Praveen Verma)

VERSUS

1. Union of India
Through Secretary
Ministry of Finance
New Delhi.

2. General Manager,
Security Paper Mills(SPM)
Distt :: Hoshangabad RESPONDENTS

(By Advocate - Shri S.A.Dharmadhikari)

(5) Original Application No. 870 of 2002

Akhilesh Sharma
Aged about 34 years
Son of Shri R.S. Sharma
Occu Technician Grade II
Security Paper Mill(SPM)
Distt:: HOS'BAD(M.P.) APPLICANT

(By Advocate - Shri S.S. Tripathi on behalf of
Shri Praveen Verma)

VERSUS

1. Union of India
Through:: Secretary
Ministry of Finance
New Delhi

2. General Manager
Security Paper Mills(SPM),
Distt. Hoshangabad RESPONDENTS

(By Advocate - Shri S.A. Dharmadhikari)

(6) Original Application No. 871 of 2002

G.P. Gaur Aged about
47 years Son of Shri
N.P. Gaur Occu:: Technician
Grade I Security Paper
Mill(SPM)
Distt:: HOS'BAD(M.P.) APPLICANT

(By Advocate - Shri S.S. Tripathi On behalf of
Shri Praveen Verma)

VERSUS

1. Union of India
Through:: Secretary
Ministry of Finance
New Delhi.

2. General Manager
Security Paper Mills(SPM)
Distt Hoshangabad RESPONDENTS

(By Advocate - Shri S.S.Dharmadhikari)

COMMON - O R D E R

By M.P. Singh, Vice Chairman -

As the facts involved & grounds raised in all the aforesaid six OAs are identical, and the issue involved is common, they are being decided by this common order for the sake of convenience.

2. The brief facts of the afore-mentioned cases are that the applicants in all the OAs are working as Chargeman/Technician-II/I in the Security Paper Mills (for short 'SPM') Hoshangabad. They were appointed on the post of Chargeman/Technician-II/I on adhoc basis in the year 1996/2001, and they have been reverted vide order nos.2573 & 2579 w.e.f. 25.10.2002. Aggrieved by their reversion, they have filed the present OAs & also praying for direction to grant regular promotions to the applicant with all consequential benefits.

3. The respondents in their reply have submitted

that the sanctioned strength of Foreman (E&I) was 5 posts and Chargeman (E&I) was 2 and as per published recruitment rules the method of recruitment to the post of Foreman is 25% by promotion and 75% by direct recruitment, whereas in the case of chargeman it is by promotion failing which by direct recruitment. Two posts of Chargeman were already filled by regular promotion by employees senior to the applicants. Pending direct recruitment to the Foreman(E&I), 2 posts of Foreman were temporarily downgraded as Chargeman (E&I). Accordingly the applicants K.L.Rajpoot (in OA 794/2002) and S.K.Chandele (in OA 800/2002),who were working as regular Technicians Gr.I, were offered these two posts of Chargeman on adhoc basis. In their places the applicants G.P.Gaur (in OA 871/2002) and D.D.Gawai(in OA 869/2002) both regular Technician Gr.II were offered adhoc promotions to the post of Technician Grade-I.Due to the consequent chain vacancies applicants Akhilesh Sharma (in OA 870/2002) and Sanjeev Sharma (in OA 868/2002) -both regular Technician Grade-III, were offered adhoc promotinns to the posts of Technician Grade-II. The applicants were thus given adhoc promotions purely on stop gap arrangement with the clear stipulation that the aforesaid adhoc appointment will not bestow them any right for regular promotion and the adhoc period will not be counted as a qualifying service for promotion and seniority. In the meantime the Government had taken a policy decision regarding adhoc appointment and the Ministry of Finance vide its letter dated 2.9.2002(Annexure-R-II) conveyed that all the adhoc appointments made without proper sanction of posts should be rescinded w.e.f.1.9.2002. In compliance with the above order, the competent authority discontinued all such adhoc appointments including those of the applicants vide orders Nos.2573 and 2579 dated 24.10.2002 and 25.10.2002 (Annexure-R-III colly.). As such, the termination of the adhoc appointment of the applicants is in order. According to the respondents, the adhoc appointments were made against the down graded posts of Foreman which fell against the

direct recruitment quota and consequently the chain vacancies in the lower grade also became available which were also filled up on adhoc basis.

4. Heard the learned counsel for the parties and carefully perused the pleadings available on record.

5. We find that all the applicants were appointed on adhoc basis. It is true that they have continued for a long period on adhoc basis but they could not be considered for regular appointment in these posts, as these vacancies were arisen because of the down gradation of the two posts of Foreman (which were to be filled on direct recruitment basis) and consequential chain vacancies. Moreover, their appointments were not made by holding regular selection against regular vacancies in their own quota and with proper sanction of the competent authority. As adhoc appointments cannot be continued with the specific approval of the Ministry of Finance for more than one year, their adhoc appointments were not as per rules. Therefore, there is no illegality in the orders passed by the respondents.

6. In the result, all the afore-mentioned six OAs are without any merit and are accordingly dismissed, however, without any order as to costs.

Sd/-
(Madan Mohan)
Judicial Member

Sd/-
(M.P.Singh)
Vice Chairman