

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA NO.546/2016

Reserved on 01.09.2016
Pronounced on 06.09.2016

**HON'BLE MR P.K. BASU, MEMBER (A)
HON'BLE DR B.A. AGRAWAL, MEMBER (J)**

1. Meenakshi Rudra , UDC,
Aged About 48 Years,
W/o Shri Arun Rudra,
R/o H 901 Neel Padam Kunj, Sec-1,
Vaishali, Ghaziabad, U.P.
2. Kailash Kumar, UDC,
Aged About 54 Years,
S/o Late Sh Pyare Lal,
R/o 81-D/L-Block, DDA Flat, Saket,
New Delhi-110017.
3. Rajendra, UDC,
Aged About 52 Years,
S/o Late Sh Surjan Singh,
R/o D-189 Amar Colony, East Gokul Pur,
Delhi-110094
4. Rajesh Kumar, UDC,
Aged About 50 Years,
S/o Late Sh Manohar Lal,
R/326-D, Pkt-E, LIG Flat, GTB Enclave,
Delhi -110093.
5. Neli Naik, UDC,
Aged About 54 Years,
W/o Sh. U. K. Naik,
R/o A-175, Aditya Apartment,
Shalimar Garden Main,
Ghaziabad, U.P. ...Applicants

(By Advocate: Shri M.K.Bhardwaj)

Versus

1. Central Pollution Control Board
Through its Chairman,

Parivesh Bhawan, East Arjun Nagar,
Delhi-110032.

2. The Member- Secretary,
Central Pollution Control Board ,
Parivesh Bhawan, East Arjun Nagar
Delhi-110032 ...Respondents

(By Advocate: Shri Saqib)

:ORDER:

DR BRAHM AVTAR AGRAWAL, MEMBER (J):

The instant OA has been filed by five applicants working as UDCs in the Central Pollution Control Board (CPCB) praying that the five vacant posts of Assistant, advertised for direct recruitment [two in 2012 and three in 2015 (Annexures A-1 and R-3)] should instead be directed to be filled up in the ratio of 75% by promotion (i.e., four posts) and only 25% by direct recruitment, as per the relevant RRs (Annexure A-8) and that the applicants, promoted as UDCs on ad hoc basis w.e.f. 07.07.2003 (Annexure A-2) and thereafter promoted on regular basis on different dates during 2007-2010 (Annexures A-3 colly and R-1), be directed to be treated as regular UDCs w.e.f. 07.07.2003.

2. We have heard the learned counsel for the parties, perused the pleadings as well as the rulings cited at the Bar, and given our thoughtful consideration to the matter.

3. The RRs, viz., the Central Pollution Control Board (Method of Recruitment, Terms and Conditions of Service of Officers and other Employees other than Member-Secretary) Regulations 1995

(Annexure A-8) do provide for filling up the post of Assistant in the ratio of 75% by promotion and 25% by direct recruitment through a competitive exam, but, as rightly contended on behalf of the respondents, the five posts advertised belong to the direct recruitment quota, as 16 posts stand filled up by promotion, supported by the Vacancy Register (Annexure R-2) being maintained by the CPCB, as directed by this Tribunal by its order dated 06.04.2011 in the OA No.1178/2010 (V.V.R. Shastry & Ors. Vs. UOI & Anr.).

4.1 The applicants had been given ad hoc promotion as UDCs w.e.f. 07.07.2003 without conducting DPC meeting, as at that time there was no vacancy available for regular promotion; vacancies had arisen on account of promotion of regular UDCs as Assistants on ad hoc basis. The relevant order dated 07.07.2003 (Annexure A-2) in this regard, reads as under:

"The following officials presently working as Lower Division Clerk are promoted to the post of Upper Division Clerk on adhoc basis w.e.f. 07.07.2003 (F.N.) for a period of six months in the scale of pay Rs.4000-100-6000/-.

1. Sh. Kundan Lal 2. Sh. Kailash Kumar 3. Sh. Rajender
4. Sh. Rajesh Kumar 5. Smt.Neli Naik 6. Smt. Minakshi Rudra.

02. They will be reverted to the post of Lower Division Clerks as soon as the posts of Upper Division Clerks are filled up on regular basis.

03. The period of their adhoc promotion shall be curtailed or extended at the discretion of the Competent Authority, Central Board.

04. This appointment will not bestow on them to claim for regular appointment and the adhoc services so rendered will not count for the purpose of seniority on that grade and for eligibility for promotion.

05. The promotion shall be subject to approval of the MoEF.
06. This issues with the approval of Chairman, Central Board."

4.2 The afore-quoted order was questioned neither at the time of its issue, nor is it challenged in the present OA, and, as rightly contended on behalf of the respondents, the said order follows the relevant instructions of the DoP&T (Annexure R-4).

5. In the light of the above, we are of the view that the OA deserves to fail. The OA deserves to fail, also because it has been filed in violation of rule 10 of the CAT (Procedure) Rules 1987, which prohibits plural remedies through one application.

6. Hence, the OA is dismissed. No costs.

(Dr Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member (A)

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