

**Central Administrative Tribunal
Principal Bench**

OA No.790/2019

New Delhi, this the 11th day of March, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Subodh Kumar
Aged 57 years, 'A',
Working as Joint Director (OL)
Posted in Ministry of Coal, Shastri Bhawan,
New Delhi
R/o B 388, Ashok Nagar,
Delhi-93.
 2. Dr. R. P. Singh
Aged 59 years, 'A',
S/o Sri bechu Shah
Working as Joint Director (OL)
Posted in Ministry of Mines, Shastri Bhawan,
New Delhi.
R/o Quarter No.1244, Type-r Special,
Sector-12, R. K. Puram,
New Delhi-22.
 3. Banshi Lal Verma
Aged 59 years, 'A',
S/o Sri beni Lal Verma
Working as Joint Director (OL)
Posted in Department of Agriculture and Cooperative,
Ministry of Agriculture, Krishi Bhawan,
New Delhi.
R/o 487, Shalimar Garden Ext.1,
Ghaziabad.
 4. Dr. Sriprakash Shukla
Aged 59 years, 'A',
S/o Sri Ram Surat Shukla
Working as Joint Director (OL)
Posted in Department of Official Language,
New Delhi.
R/o B-217, Moti Bagh,
New Delhi.
- ... Applicants.

(By Advocate : Shri Yogesh Sharma)

Vs.

1. Union of India through the
Secretary
Ministry of Home Affairs
Govt. of India, North Block,
New Delhi.
2. The Secretary
Department of Official Language
Ministry of Home Affairs,
New Delhi City Centre-II, B-Wing,
4th Floor, Jai Singh Road,
New Delhi 110 001.
3. The Secretary
Ministry of Personal Public Grievances & Pensions
Department of Personal & Training,
North Block,
New Delhi. ... Respondents.

(By Advocate : Shri N. D. Kaushik)

: ORDER (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The applicants held the posts of Assistant Director in the Ministry of Home Affairs, Department of Official Language. In the year 2010, they were promoted to the post of Deputy Director on ad hoc basis. In the next year, quite large number of posts of Deputy Director were created. The applicants were promoted on regular basis on that post in the year 2013. To the next higher post of Joint Director, they were promoted on ad hoc basis in the year 2015 and on regular basis in that post in the year 2017.

2. The applicants contend that unless their service on ad hoc basis at various levels is taken into account, they would not become eligible to be promoted to next higher post. They made representations in this regard. Their grievance is that no action has been taken thereon.

3. We heard Shri Yogesh Sharma, learned counsel for the applicants and Shri N. D. Kaushik, learned counsel for the respondents.

4. Promotions to various posts in the Department of Official Language are governed by the relevant Recruitment Rules. They not only stipulate the method of filling up the posts, but also the qualifications and the length of service, required for that purpose. The question as to whether the applicants are entitled to count their ad hoc service in the post of Deputy Director and Joint Director; needs to be examined by the respondents with reference to the rules. No specific direction can be given by us at this stage.

5. We, therefore, dispose of the OA by directing the respondents to pass orders on the representation of the applicants within a period of six weeks from the date of receipt of certified copy of this order. We make it clear that this order shall not be construed as issuing any direction to the respondents to deviate from service rules in the context

of counting of service in the feeder category for the purpose of promotion. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/