

**Central Administrative Tribunal
Madras Bench**

OA/310/00308/2013

Dated the 3rd day of July Two Thousand Nineteen

P R E S E N T

**Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)**

M.Kaliaperumal
S/o Murugaiyan,
No.12, Kumarapillai Street,
Kottucherry, Karaikal.
By Advocate M/s.V.Ajayakumar

.. Applicant

Vs.

1. Union of India, rep by the Government of Puducherry through the Secretary to Govt. for Revenue, Chief Secretariat, Puducherry.
2. The Additional Secretary cum Collector to Govt.(Rev.), Department of Revenue & Disaster Management, Puducherry.
3. Mr.R.Munisamy, working as Tahsildar, Department of Revenue & Disaster Management, Puducherry.
4. Mr.N.Udhayakumar, working as Tahsildar, Department of Revenue & Disaster Management, Puducherry.
5. Mr.S.Sakthivel, working as Tahsildar, Department of Revenue & Disaster Management, Puducherry.

6. Mr.B.Thillaivel,
working as Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
7. Mr.M.M.Vinayaraj,
working as Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
8. Mr.M.S.Ramesh
working as Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
9. Mr.S.Yeswanthaiyah,
working as Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
10. Mr.S.Murugan,
working as Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
11. Mr.N.Tamilselvan,
working as Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
12. Mr.R.Djeacoumar
working as Tahsildar,
Department of Revenue & Disaster Management,
Puducherry. .. Respondents

By Advocate **Mr.R.Syed Mustafa**

ORDER

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

This is an OA filed seeking the following relief:-

“To call for the records of the respondents with No.G.O. Rt. No.31/2009-10 dated 5.1.2010 and No.2687/Rev.-Esstt/Legal/2003 dated 2.11.2012 and to quash the same and consequently to direct the respondents 1 and 2 to promote the applicant to the post of Tahsildar w.e.f. 3.3.2003, the date on which his juniors are promoted with all other consequential benefits including, seniority, difference of wages and further promotions and to pass such other or further orders in the interest of justice and thus render justice.”

2. The applicant's case is that the applicant entered service as a Village Assistant in the year 1975 and he was promoted as Village Administrative Officer in the year 1982 and thereafter as Revenue Inspector in the year 1989. Then the applicant was promoted as Dy.Tahsildar w.e.f. 07.9.1999 and as Tahsildar w.e.f. 26.8.2005. In the year 2012 the applicant was promoted to the Puducherry Civil Services cadre. The applicant belongs to SC cadre of Puducherry and so he is entitled to get the benefit of reservation etc. According to the applicant, earlier he had filed OA 168/2003 claiming promotion to the post of Dy.Tahsildar w.e.f. August 1997 and the Tribunal allowed the said OA and issued direction to give promotion as claimed by the applicant. After some time the respondents had granted the promotion to the post of Dy.Tahsildar w.e.f. 24.8.97 as ordered by the Tribunal. According to him, the 3rd respondent Munisamy is junior to him and the said Munisamy was granted promotion to the post of Tahsildar w.e.f. 03.3.2003 whereas the applicant was granted promotion

only w.e.f. 21.2.06. When he gave a representation to the respondents, the respondents rejected the claim but granted promotion w.e.f. 26.8.05 only. He is entitled to get promotion w.e.f. 03.3.03 on par with his junior R3 Munisamy in this case. The respondents has not acceded to his claim and he filed this OA.

3. The respondents appeared and filed a detailed reply statement admitting the filing of OA 168/03 as stated in the OA. The respondents in this case filed a Writ Petition before the Hon'ble High Court as WP No.5421/04 against the order in OA and the Hon'ble High Court has also directed to consider the seniority of the applicant as directed in the OA on 13.11.06. Accordingly, the applicant's case was considered and his seniority was refixed and he was given seniority alongwith R3 Munisamy w.e.f. 24.8.97. According to the respondents, in the meanwhile, R3 Munisamy was appointed as Tahsildar w.e.f. 03.3.03 on an adhoc basis. Now the applicant is claiming promotion w.e.f. 03.3.03 alongwith R3 Munisamy in this case. According to the respondents, while the case was pending before the Hon'ble High Court, R3 Munisamy was promoted as Tahsildar on an adhoc basis from 03.3.03 onwards. He was regularized on the said post only on 26.8.05. According to them, adhoc appointments are made only to meet emergent situation and it is made as stop-gap arrangement in administrative exigencies. It does not count for seniority. So, according to the respondents, the applicant in this case is granted promotion w.e.f. 26.8.05 on the date on which R3 Munisamy was regularized in the post of Tahsildar. So, there is no illegality or arbitrariness in the order passed by the respondents in this case.

4. We have anxiously heard the counsel for the applicant and the counsel for the respondents. The short point that arose for consideration in this OA is whether the applicant in this case is entitled to get notional promotion to the post of Tahsildar w.e.f. 03.3.03 onwards. On a perusal of the pleadings, it can be seen that the applicant was promoted to the post of Tahsildar initially w.e.f. 21.2.06. Thereupon the applicant filed a representation to the respondents claiming retrospective promotion w.e.f. 03.3.03 on which date his junior R3 Munisamy was appointed as Tahsildar. It has come out during the hearing and perusal of impugned order dated 02.11.12 that R3 Munisamy was promoted only on adhoc basis on 03.3.03 and he was given regular appointment only w.e.f. 01.9.05 (as per Notification dated 05.1.2010). Mr.Kaliaperumal was promoted w.e.f. 26.8.05. According to the respondents, adhoc appointment was made only to meet administrative exigencies and such posting does not confer any seniority or any other benefit on the person and it cannot be considered as a regular promotion. The applicant has not stated this fact in his application and has claimed retrospective promotion w.e.f. 03.3.03 on which date R3 Munisamy was appointed on an adhoc basis. Eventhough, we have heard the counsel for the applicant in detail, he was not able to say how an adhoc appointment may be treated as regular service and the applicant could claim retrospective promotion w.e.f. 03.3.03. It is clear that there is no merit in the contention put forward by the applicant in this case. The period of adhoc promotion cannot be considered for seniority. From the pleadings and averments in this case, it can be seen that the applicant in this case had filed OA 168/03 before this Tribunal and he was granted

retrospective promotion on a notional basis w.e.f. 24.8.97 on par with R3 Munisamy. This order was implemented only after the disposal of WP filed by the respondents against the said order (WP No.5421/04 dated 13.11.06). The adhoc promotion of R3 Munisamy occurred on 03.3.05 when the WP was pending. It was only because of that the applicant could not get the promotion on adhoc basis. So, there is absolutely no merit in the contention put forward by the applicant in this case. The applicant has failed in bringing out anything in support of his claim and the OA is liable to be dismissed.

5. Accordingly, we dismiss the OA. No order as to costs.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

03.07.2019

/G/