



**Central Administrative Tribunal
Principal Bench**

O.A. No. 3646/2014

This the 5th day of December, 2019

**Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)
Hon'ble Mr. Pradeep Kumar, Member (A)**

Harpal Singh, Age-49 years
S/o Sh. Lal Singh, Designation: Senior Stenographer
R/o 30/1, Madanpur Khadar,
New Delhi-76.

...Applicant

(By Advocate: Sh. R.K. Jain)

VERSUS

1. Delhi Jal Board
Through its Chief Executing Officer
Varunalaya, Jhandewalan,
New Delhi.
2. The Director [A&P]
Delhi Jal Board,
Varunalaya Phase II, Karol Bagh,
New Delhi.
3. The Assistant Commissioner [D]
Delhi Jal Board,
Varunalaya Phase II, Karol Bagh,
New Delhi.

...Respondents

(By Advocate: Sh. Arvind Kumar Verma)

ORDER (Oral)

Hon'ble Mr. Pradeep Kumar, Member (A):

The applicant, herein, is working as Senior Stenographer in Delhi Jal Board. Five posts of Private Secretary were created for the first time in the year



2007. At that time, the Recruitment Rules did not exist and accordingly, for carrying out the work of Department, an order was issued on 13.09.2007 wherein five Senior Stenographers, in order of seniority were given the current duty charge of the post of Private Secretary with immediate effect. However, it was specified in that order that entrustment of current duty charge will be in their own pay scale of Senior Stenographer only and it will not give them any right to claim ad-hoc or regular promotion or higher Grade Pay in respect of Private Secretary.

Subsequently, the Recruitment Rules (in short, RRs) were framed. However, before the RRs could be approved by the UPSC, the ad-hoc promotions were ordered on the post of Private Secretary on 06.02.2012. Accordingly, five Senior Stenographers were promoted and granted the pay scale of Pay Band-3 plus Grade Pay of Rs. 6600. Subsequently, one more ad-hoc promotion took place for one candidate on 01.05.2012.

2. The applicant is aggrieved that while current duty charge was given on 13.09.2007, it needs to be counted against the 5 roster points for general candidates, as per 13 point roster which is to be followed for Private Secretary as book of sanction is for



5 number of posts. As per this roster, the Scheduled Caste point appears at Point No. 7. The applicant, who belongs to SC, pleads that while issuing the ad-hoc promotion order on 06.02.2012, his name ought to have been considered at roster Point No. 7 i.e., after promoting one general candidate, and this is the grievance raised in the instant OA.

The applicant drew attention to the DoP&T directives dated 30.04.1983 and 15.03.2002, wherein the guidelines are indicated in respect of ad-hoc promotions.

3. The respondents opposed the OA. It was pleaded that the current duty charge to the post of Private Secretary given on 13.09.2007 was strictly in order of seniority and this did not convey any additional benefit to the incumbents of those posts. Since regular promotions could not be made, ad-hoc promotion was made for the first time ever on 06.02.2012, when five candidates were promoted.

Thereafter, one more promotion took place on 01.05.2012 and with this, the next turn was at roster Point No. 7 against which the applicant, herein, who belongs to Scheduled Caste community was promoted.



Accordingly, the applicant's plea to be considered for promotion from an earlier date is not admissible and the same is not supported by any of the Rules.

4. The matter has been heard. Sh. R.K. Jain, learned counsel appeared on behalf of the applicant. Sh. Arvind Kumar Verma, learned counsel appeared on behalf of the respondents.

5. The facts of this case are not in doubt. The order issued on 13.09.2007 is not in the sense of promotion and it is specified therein that it was on the basis of the current duty charge and it was done strictly in accordance with seniority and the said order do not give any benefit to the incumbents to any higher pay or any other benefit in respect of ad-hoc or regular appointment. Accordingly, the 13 point roster which is applicable in the instant case, is not applicable for the current duty charge arrangement as per the orders issued on 13.09.2007. The applicant could not show any rule in support of his contentions.

6. The ad-hoc promotions started when the order of 06.02.2012 was issued, wherein five general candidates were promoted. Thereafter, the 6th general candidate



got promoted on 01.05.2012 and thereafter, the applicant was promoted on 12.01.2015 against SC point No. 7.

7. It happens to be so that the applicant was 7th in seniority list as well as the senior-most Scheduled Caste candidate and the next point to be operated in the roster was also Point No. 7, which was reserved for Scheduled Caste candidate.

8. In view of the foregoing, the Tribunal does not find any merit in the OA and the same is dismissed being devoid of merit.

9. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

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