



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

C.P./100/306/2019
O.A./100/2589/2016

New Delhi, this the 16th day of December, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

Shri M.L. Khan S/o Shri A.A. Khan
R/o F-13/32, Joga Bai Extn.
Jamia Nagar,
New Delhi

...Petitioner

(Through Shri Rajeev Sharma, Advocate)

Versus

Mrs. Varsha Joshi,
Commissioner, North DMC,
Dr. S.P. Mukherjee Civic Centre, 4th Floor,
J.L. Marg, New Delhi

... Contemnor

(Through Shri R.V. Sinha and Shri Amit Sinha, Advocates)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman

The applicant is holding the substantive post of Superintending Engineer (SE) in North Delhi Municipal Corporation (NDMC). Several SEs who were junior, were promoted on ad hoc basis to the post of Chief Engineer (CE). In that context, the applicant filed OA 2589/2016. It was disposed of on 22.04.2019, directing that the respondents shall consider the case of the applicant for promotion to the post of CE on ad hoc basis duly following the seniority in the



post of SE. It was also directed that in case any SE who is junior to the applicant was promoted, similar benefits shall be extended to the applicant also within four weeks.

2. This Contempt Case is filed alleging that the respondents did not pass any order in compliance of the directions in the OA.

3. The respondents filed affidavit opposing the Contempt Petition. It is stated that the applicant was not promoted on ad hoc basis to the post of CE on account of pendency of disciplinary proceedings against him. It is also stated that in compliance of the directions issued by the Tribunal in the OA, the case of the applicant was considered along with other similarly situated candidates and on finding that the applicant did not have seven years of regular standing as SE, he was not considered and those who had the said length of service, were promoted on ad hoc basis.

4. We heard Shri Rajeev Sharma, for the applicant and Shri R.V. Sinha with Shri Amit Sinha, for the respondents.

5. The issue pertains to the ad hoc promotion to the post of CE. It is fairly well known that ad hoc promotions are not governed by the Recruitment Rules (RRs) and such steps are taken on account of administrative exigencies, or when there exists stumbling blocks for making regular promotions.



6. Even for making ad hoc promotions, the respondents are taking into account, the minimum length of service in the feeder cadre, whether it is in the form of regular or ad hoc service. In that context, the applicant is having 3 years and 10 months of service whereas his immediate juniors have to their credit, more than 12 years of service. It is also important to note that some seniors to the applicant have less than seven years of service and one of them by name Shri Piar Singh was also denied ad hoc promotion.

7. The ad hoc promotions were made through order dated 25.11.2019. As many as seven SEs were promoted on ad hoc basis and all of them were no doubt junior to the applicant. However, it is not the case of the applicant that any of those candidates has less than seven years of service either on ad hoc or on regular basis, to their credit.

8. The applicant filed OA 3526/2019 challenging the action of the respondents in this regard. The legality of the order passed by the respondents needs be examined in that OA. In this scenario, it cannot be said that there was any deliberate contempt of the order passed by the Tribunal. The Contempt Case is closed.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman