

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No. 8597 of 2015 (O&M)
Date of decision: 29.05.2015**

Bhushan Lal

....Petitioner

Versus

Union of India and others

.... Respondents

**CORAM: Hon'ble Mr. Justice Surya Kant
Hon'ble Mr. Justice P.B. Bajanthri**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Sameer Sachdeva, Advocate
for the petitioner.

P.B. Bajanthri, J.

The petitioner's grievance is that he is entitled for benefit of 6th Pay Commission after adding the annual increment, his pension is to be fixed in HSG-I cadre and such fixation is to be in the new pay scale etc. In this regard petitioner approached Central Administrative Tribunal (for short 'CAT'), Chandigarh, but his Original Application has been disallowed vide order dated 08.12.2014. Aggrieved by the order of CAT, the present writ petition has been filed.

The petitioner while working as Assistant Post Master in HSG-II at Panipat, Head Office, was temporarily promoted to the post of Post Master HSG-I, Panipat on ad hoc basis for a period of 4 months from the date of assumption of charge of that post. The petitioner stated that such

arrangement continued till his date of retirement i.e. 31.08.2007.

For the first time, on 22.09.2009, the petitioner submitted representation to extend the pay scale attached to the post of HSG-I, revised the pay scale and to extend pensionary benefits in the said cadre. Thereafter, petitioner approached the Central Administration Tribunal in the year 2013.

On 08.12.2014, CAT dismissed the petitioner's Original Application No. 178-HR-2013 after noticing that there is delay in approaching the Tribunal and multiple reliefs have been sought contrary to Rule 10 of the Central Administrative Tribunal (Procedure) Rules, 1987. On merit also the Tribunal held that promoting the petitioner to the post of Post Master (HSG-I), Panipat was temporary and ad hoc basis and it was also made clear that service rendered in the said post will not be counted for seniority. That apart, the petitioner has not questioned the validity of the communication dated 03.10.2012 by which his grievance was turned down. Consequently, the Tribunal rejected the grievance of the petitioner. The aggrieved petitioner contended that the Tribunal has not considered his contention that he has discharged the duties of the post of Post Master (HSG-I) for the period from August, 2005 to till his retirement. Even though, the initial promotion was for a period of 4 months from 03.08.2005. However, he has worked in the same capacity till the date of his retirement. Consequently, he is entitled for regular promotion, pay attached to the post refixation of pay and pension in the said cadre.

We have heard learned counsel for the petitioner.

It is undisputed that petitioner while working as Assistant Post Master (HSG-II), Panipat, was promoted to the post of Assistant Post Master

(HSG-I) on temporary and ad hoc basis for a period of 4 months from the date of assumption of charge of the post. It was also made clear to the petitioner that he would not have right over the post for his regular absorption in the cadre and service rendered in the post of HSG-I would not be counted for the purpose of seniority. The petitioner has not questioned the various conditions stipulated while promoting him on ad hoc basis vide order dated 03.08.2005. Consequently, the relief sought by the petitioner is not maintainable. Moreover, the petitioner did not question the communication dated 03.10.2012 by which his grievance was turned down in which it was made clear that his promotion to the post of HSG-I was on temporary basis, which was an ad hoc arrangement and it was further stated that the service rendered beyond 03.08.2005 was in the absence of any order or in accordance with any provision of law, therefore, the petitioner is not entitled to the relief sought.

In view of the facts and circumstances of the case, the petitioner has not made out a case so as to interfere with the order of the CAT, dated 08.12.2014. Hence, the writ petitioner is dismissed.

No order as to costs.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

29.05.2015
pooja saini