

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.3309/2002

Friday, this the 20th day of December, 2002

Hon'ble Shri Justice V.S.Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Gian Singh
Ex - SSK 6956881
12-K Gandhi Market
West Sagarpur
New Delhi-46

...Applicant

(By Advocate: Ms. S.Janani)

Versus

1. Union of India through the Secretary
Ministry of Defence
Central Secretariat
New Delhi
2. The Director Public Grievance/
Joint Secretary
Ministry of Defence
South Block
New Delhi-11
3. The Commandant
Central Vehicle Depot
Ministry of Defence
Delhi Cantt.
New Delhi-10
4. The Commandant
COD
Delhi Cantt., New Delhi-10
5. The Director General of
Ordnance Branch (Service)
MGOB, Army Headquarters
DHQ PO, New Delhi-11

...Respondents

O R D E R (ORAL)

Shri Justice V.S.Agarwal:

The applicant was appointed as SK on 7.11.1963 in the pay scale of Rs.110-180/- on ad hoc basis. After one month of the same, he became surplus. Thereafter, he was absorbed as LDC in the Army Headquarters, AG Branch and posted to Record Office, Guard Training Centre, Kota Rajasthan. On 1.2.1965, he became surplus again and was



(2)

adjusted in that Headquarter as a Peon. He accepted the same. Vide order of 14.11.1966, he was re-classified as SK and was posted to Central Vehicles Depot, Delhi Cantt. in the scale of Rs.110-180/-.

2. By virtue of the present application, the applicant seeks a direction to allow him to carry forward the previous higher pay drawn by him as SK at the time of his being declared surplus with effect from the date of his absorption on his lower post.

3. On the earlier occasion, the applicant had submitted an application (OA-1262/2002) which was disposed of on 15.5.2002 with a direction to consider the representation and for passing a speaking order.

4. Strong reliance on behalf of the applicant is being placed on the decision of the Allahabad Bench of this Tribunal in the case of Shyam Lal Dubey Versus President of India & Others (OA-434/86) decided on 17.8.1990. Perusal of the copy of the judgment made available clearly shows that Shyam Lal Dubey was not an ad hoc employee, like the applicant. The Allahabad Bench of this Tribunal proceeded on the premise that Shyam Lal Dubey was not an ad hoc employee because there is no such mention in the order. This becomes apparent from the impugned order passed by the respondents wherein they clearly mentioned that terms and conditions of persons employed on regular basis are not applicable to persons working on ad hoc basis. It has specifically been stated that Shyam Lal Dubey was working against a regular post while the applicant was working on ad hoc basis.



(4)

(3)

5. A clear distinction must be drawn and, therefore, the reasoning given for rejecting the representation of the applicant must be held to be meritorious.

6. Resultantly, OA being devoid of merits must fail and is dismissed in limine.



(S.A.T. Rizvi)
Member (A)



(V.S. Aggarwal)
Chairman

/sunil/