

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.3316/2002

Friday, this the 20th day of December, 2002

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

Mr. P.C.Jain
Upper Division Clerk
Central Vehicle Depot
Delhi Cantt. New Delhi

...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
5. The Director General of
Ordinance Branch (Services)
MGOB, Army Headquarters
DHQ PO, New Delhi-11

...Respondents

O R D E R (ORAL)

Shri Justice V.S.Aggarwal:

The applicant was appointed as LDC on 6.4.1963 in Army HQ Signal Regt. New Delhi. The applicant was declared surplus on 13.12.1963. Thereafter, he was absorbed as Peon by Army Headquarters AG Branch and posted to AFHQ (DTD & F) (Air), Ministry of Defence Production w.e.f. 25.2.1966. He accepted the same. Vide the order dated 21.11.1997, the applicant was re-classified as LDC and posted in CVD Delhi Cantt. in the scale of Rs.110-180/-.



(2)

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 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-779/97) which was disposed of on 9.1.2001 with a direction to take a final decision in the matter in accordance with rules and instructions.

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.

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.



(3)

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/