

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**(PRINCIPAL BENCH)**

**New Delhi**

**OA/TA No. 168 OF 2001**

**Smt. Sumita Yadav V/S UOI & ors.**

**PART-I PERMANENT RECORD**

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|                                  |                            |
|----------------------------------|----------------------------|
| Prepared by : H. Sundaresan      | Checked by :               |
| Signature & Date : H. Sundaresan | Signature & Date : 10/1/13 |
| Name : H. SUNDARESAN P/A/13      | Name : Arani Chaudhary.    |
| Designation : LDC Record Room    | Designation : JOLR         |

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 168 of 2001

New Delhi, this the 22nd day of January, 2001

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

Smt. Sunita Yadav wd/o Lt. Sh. Satish Yadav  
r/o WZ 429, Madipur Village,  
New Delhi-63

--APPLICANT

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through the General Manager  
Northern Railway, Baroda House  
New Delhi
2. The Divisional Railway Manager  
Northern Railway, Delhi Division,  
Near New Delhi Rly. Station, New Delhi
3. The Assistant Mechanical Engineer (Diesel)  
Northern Railway Diesel Shed,  
Shakurbasti, New Delhi

-RESPONDENTS

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

Applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, seeking a direction to respondents to grant Lumpsum Compensation of Rs. 5 lakh to her with interest in accordance with Railway Board circular dated 5.11.99.

2. The case of the applicant is that she is the widow of late Shri Satish Yadav, who was working as Fitter in Diesel Shed, Shakurbasti. Her husband Shri Satish Yadav died while performing duty on 2.11.99. It has been pleaded that 5th Pay Commission has made certain recommendations regarding payment of ex-gratia lumpsum compensation to families of Central Govt. Civilian Employees who die in harness. On the basis of 5th Pay Commission's recommendations, the applicant is stated to

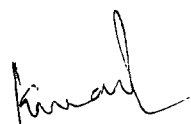
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have made a representation (Annexure A-1).

3. In support of his case, learned counsel for the applicant has referred to an O.M.No.45/55/97-P&PW(C) dated 11.9.99 issued by the DOPT which prescribes certain conditions also for grant of compensation to families of Central Govt. employees who die in harness. Since the representation of the applicant based on this Office Memorandum has not yet been decided by the respondents, I dispose of this O.A. with a direction to respondents to pass a detailed, speaking and reasoned order on the representation made by the applicant, within a period of two months from the date of receipt of a copy of this order. If any grievance still survives, the applicant will be at liberty to file a fresh O.A., agitating his grievance.

4. O.A. stands disposed of with the above directions. No costs.

  
( KULDIP SINGH )  
MEMBER(JUDL)

/dinesh/

11.4.2001

39.

MA.746/2001 in OA.168/2001

Present: Shri R.P. Aggarwal, counsel for  
respondents (for applicants in MA.746/2001)  
through proxy counsel Shri M.K. Gaur.

3

This MA has been filed by the respondents seeking extension of time for implementation of judgement of the Tribunal dated 22.1.2001 passed in OA.168/2001. By the aforesaid judgement, the respondents were given two months' time to dispose of the representation of the applicant. The respondents have not yet disposed of the representation and, instead, have sought for time up to September 2001. The reasons given by the respondents to implement the judgement are not convincing. Therefore, MA.746/2001 is rejected.

  
(M. P. Singh)  
Member (A)

dbc

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**(PRINCIPAL BENCH)**

**New Delhi**

**OA/TA No. 166 OF 2001**

**Sh. Surrender Kumar V/S UOI & ors**

**PART-I PERMANENT RECORD**

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| <b>II.</b>  | <b>R.A. No.</b> 287/01                     |              |                                    |
|             | 1. Order Sheets in OA 166/01               |              |                                    |
|             | Dated To                                   |              |                                    |
|             | 2. Final Order dated 04/9/01               | 20           | RA disposed                        |
| <b>III.</b> | <del>C.P. No.</del> RA 354/01              |              |                                    |
|             | 1. Order Sheets in OA 166/01               |              |                                    |
|             | Dated To                                   |              |                                    |
|             | 2. Final Order dated 05/12/01              | 21           | RA dismissed                       |
| <b>IV.</b>  | <b>Any Other Orders dt.</b>                |              | in circulation                     |
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|             | <b>C.A. No.</b>                            |              |                                    |
|             | <b>1. Orders/Judgement Dated</b>           |              |                                    |
|             | <b>2. Decree dated</b>                     |              |                                    |

|                                  |                            |
|----------------------------------|----------------------------|
| Prepared by : H. Sundaresan      | Checked by :               |
| Signature & Date : H. Sundaresan | Signature & Date : 10/4/13 |
| Name : H. SUNDARESAN             | Name : Aravind Chaudhary   |
| Designation : TDC Record Room    | Designation : JOCR         |

14.


22.1.2001  
OA 166/2001

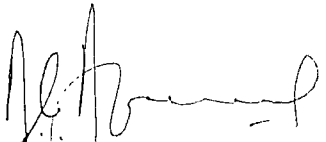
(1)

Present: Shri N. Ranganathan Swamy, counsel for applicant

Applicant had been promoted from the post of Stenographer Grade III to Stenographer Grade II by an order passed on 1.6.89 at Annexure A-D on purely temporary and adhoc basis. After putting in 10 years service, he has been regularised by an order passed on 14.5.99. By the present OA, he claims regularisation with effect from the date of his initial appointment on adhoc basis w.e.f. 1.6.89. For claiming the aforesaid relief, reliance is placed by the learned counsel on a decision of the Hon'ble Supreme Court in Rudra Kumar Sain & Ors. Vs. Union of India & Ors., 2000 VI AD (S.C.) 605 at Annexure-G.

In view of the aforesaid claim made, we direct notices to issue, returnable on 8.2.2001 before J.R. for completion of pleadings.

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

  
(Ashok Agarwal)  
Chairman

/sunil/

3/1/2001  
20/1/2001  
OA  
CT - Case  
No date of 1.6.89

11.

OA 166/2001

08.02.2001

Present : None for the applicant.

Shri S.K. Anand, proxy counsel for Shri  
D.S. Mahendru, counsel for respondents.

Reply is awaited from the respondents. Four weeks  
time is granted to the respondents as prayed by the learned  
proxy counsel for respondents and two weeks time is granted  
to the applicant thereafter to file the rejoinder thereto.

List the matter again before Registrar court for  
scrutiny on 19.04.2001.

*A.K. Ajmani*  
( A.K. AJMANI )  
DY. REGISTRAR

*CF. Case  
not met and not  
P/ee. 1/10/01. Com. Photo.*

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15.

OA 166/2001

19.04.2001

Present : Shri N. Ranganathan Swamy, counsel for applicant.

Shri S.K. Anand, proxy counsel for Shri D.S. Mahendru, counsel for respondents.

Pleadings are complete in this case. List before court for admission on 10.05.2001.

Shri K.B.S. Rajan, advocate states that as he has filed an MA in this case for ~~imp~~<sup>head</sup>ment on 10.04.2001 vide diary No. 3400, that MA may also be listed before court on 10.05.2001.

( DIWAKAR KUKRETI )  
JT. REGISTRAR

"rach"

OA 166/2001  
MA for ~~imp~~<sup>head</sup>ment  
Referred to MA in file



Item No.18

O.A.No.166/2001  
M.A.No.1011/2001

10.05.2001

Present: Sh. N.Ranganathan Swamy, ld. counsel for the applicant.

Shri K.B.S.Rajan, through Shri R.K. Shukla, ld. counsel for the private respondents.

Shri D.S.Mahendru, ld. counsel for the official respondents.

M.A.No.1011/2001:

This MA relates to request for impleadement of Ms. Sunita as a respondent in array of parties in the OA. The learned counsel for the applicant states to have filed an objection to this MA and supplied a copy of the same to the other parties. Learned counsel for the official respondents has no objection to the said impleadement. Learned proxy counsel for the private respondents seeks and is allowed two weeks time to file rejoinder to the reply filed in this MA.

/ List on 11.7.2001.

*S. Raju*  
(Shanker Raju)  
Member(J)

/rao/

*V.K. Majotra*  
(V.K.Majotra)  
Member(A)

*ed for impleadement  
of Sunita as a respondent  
in array of parties in  
OA. The learned counsel  
for the applicant states  
to have filed an objection  
to this MA and supplied  
a copy of the same to  
the other parties.*

11.7.2001

OA-166/2001  
MA-1011/2001

Present: Shri N. Ranganathan Swamy, learned counsel of  
the applicant

Shri D.S. Mahendru, learned counsel for official  
respondents.

Shri K.B.S. Rajan, learned counsel for private  
respondent

MA-1011/2001

Whereas Shri Mahendru learned counsel of the  
official respondents had already conveyed his no objection  
to the impleadment sought through this MA on the last date  
of hearing, arguments on the MA have been heard of the  
learned counsel of the applicant and that of the proposed  
private respondent.

2. Shri Rajan learned counsel of the private  
respondent drew our attention to Annexure-1 to this MA which  
relates to seniority list of Stenographers Grade-II as on  
10.8.2000 wherein Smt. Sunita has been shown senior to Shri  
Surender Kumar - the present applicant. Shri Rajan  
contended that in the event of the prayer of the applicant  
to the OA being granted, he would stand senior to Smt.  
Sunita which would be prejudicial to her interest.


3. Shri Ranganathan Swamy, learned counsel of  
applicant contended that the seniority list furnished by  
Smt. Sunita is still provisional. On its finalisation, in  
case Smt. Sunita <sup>is made junior</sup> ~~still remain senior~~ to Shri Surender  
Kumar, she would have a separate cause of action for filing  
the OA in the matter.

② Corrected with Court's order  
dated 4.9.2001

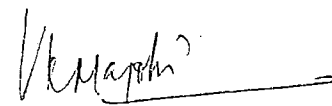
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4. We find from Annexure-1 to this MA that the seniority list was issued on 11.8.2000 in which it was elaborated that errors and omissions if any should be brought to the notice of the Dy. Director General by 18.8.2000, failing which the aforesaid seniority list will be treated as final. Certainly, in case the prayers in the OA are accorded, it would be affect Smt. Sunita materially. In the interest of justice, we allow this MA so that Smt. Sunita is impleaded as a party. Ordered accordingly. MA-1011/2001 is allowed. Ms. Sunita may file counter to the OA within two weeks. Two weeks thereafter for filing rejoinder.

5. List on 23.8.2001. Fresh memo of parties be filed by the applicant before the next date.

  
(Shanker Raju)  
Member (J)

cc.

  
(V.K. Majotra)  
Member (A)

10/2/23

MCS

(Shannon Room)

W  
(H. P. Singh)  
MCS

My Helmut  
Hemphill 10-12-23

Just on 14-9-2001.

~~File not received~~

Sh. S. K. under, May 14-56.  
K. B. S. Room, del. removed by  
the respondents.

Sh. N. Kangnamon Sany, del.  
removed by the respondent.

Received:

23-8-2001

Stated in

DA 166/2001


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14.9.2001  
OA 166/2001


Present: Shri N.Ranganathan Swamy, counsel for applicant

Shri Rajeev for Shri D.S. Mahendru & Shri K.B.S  
Rajan, counsel for respondents

Learned proxy counsel for Shri D.S. Mahendru seeks  
adjournment on the ground that he is in personal  
difficulty. List on 27.9.2001.

  
(Shanker Raju)  
Member (J)

/sunil/

  
(V. K. Majotra)  
Member (A)

Not Admit  
Pleading Complete

27-9-2001

Itanav 3

QA-166/2001

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Present: Sr. N. Rangaswami (President)  
Sr. N. Rangaswami (President)  
Sr. N. Rangaswami (President)

Sr. D.S. Mahalingam, Col. General  
for R-1 to R-3

Sr. K.B.S. Rajan, Col. General  
for R-4

OA dismissed by

Division Bench of Honble Mr. Justice B. B. Krishna,  
Vice-Chairman (T) and Honble  
Mr. V.K. Mahalingam, Member (R) by  
an oral order on 27-9-2001.

B. O.

Pratya

Court of Appeal  
Court-IV

Central Administrative Tribunal  
Principal Bench: New Delhi

O.A. No. 166/2001

New Delhi this the 27th day of September, 2001

Hon'ble Mr. Justice B. Dikshit, Vice-Chairman (J)  
Hon'ble Mr. V.K. Majotra, Member (A)

Shri Surender Kumar  
Stenographer Grade.II,  
O/C Director General of  
Investigation and Registration,  
Bikaner House Barracks,  
Shahjahan Road,  
New Delhi-110011.

-Applicant

(By Advocate: Shri N. Ranganathaswamy)

Versus.

1. Union of India, through  
The Secretary, Ministry of Law, Justice  
and Company Affairs,  
Shastri Bhawan,  
New Delhi.
2. The Secretary,  
Department of Company Affairs,  
5th Floor, 'A' Wing, Shastri Bhawan,  
Dr. Rajendra Prasad Road,  
New Delhi.
3. The Director General I&R, under  
Deptt. of Company Affairs,  
Bikaner House Barracks,  
Shahjahan Road,  
New Delhi-110011.
4. Ms. Sunita  
W/o Shri B. Soman  
Stenographer Grade.II  
Office of DG (I&R)  
Bikaner House,  
Shahjahan Road,  
New Delhi-110011.

-Respondents

(By Advocate: Shri K.B.S. Rajan and  
Shri D.S. Mahendru)

ORDER (Oral)

By Mr. V.K. Majotra, Member (A)

The applicant has challenged Annexure-A dated  
25.5.2000 whereby applicant's request for

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regularisation of his ad hoc period of service as Stenographer Grade-II from 1.6.89 to 13.5.99 has not been acceded to. The applicant was promoted to the post of Stenographer Grade.II on ad hoc basis on 1.6.89. He continued to officiate in the said post on ad hoc basis till 13.5.99. He was regularised w.e.f. 14.5.99 on the basis of recommendation of DPC. As he had officiated as Stenographer Grade.II for a long period of 10 years, he made a representation to the respondents for the purposes of counting his entire period of service in the post including ad hoc service on 15.3.2000 (Annexure-B) which was rejected as stated above. It is stated that the applicant belongs to a scheduled caste and fulfilled all requisite qualifications for promotion on regular basis to the post of Steno Gr.II when he was promoted on ad hoc basis on 1.6.89 to the post of Steno Gr.II. He has also pointed out that in a similar case, Smt. P. Ramachandran, Stenographer Grade.I working in the same office had been accorded the benefit of the period of officiation for regularisation. He has sought a direction to the respondents to count entire service rendered on ad hoc basis as Steno Gr.II for the period from 1.6.89 to 13.5.99 as regular service for the purpose of seniority in the post of Steno Grade.II.

2. In their counter, the official respondents have stated that although Smt. Sunita was senior to the applicant, she was not considered for promotion to the post of Steno Gr.II by the DPC held on 31.5.89 as the vacancy in question was meant for SC category.

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The applicant was promoted to the post of Steno Gr.II on ad hoc basis vide Annexure R-5 dated 1.6.89 on purely temporary and ad hoc basis because the related vacancy has resulted on account of promotion of its incumbent Mrs. P. Ramchandran to the post of Steno Gr.I on purely temporary and ad hoc basis as the Recruitment Rules for the post of Steno Grade.I had not been finalised till then (Annexure R-4). The respondents have also stated that in terms of instructions contained in Office Memoranda dated 30.4.83, 30.9.83 and 1.6.93, reservation has to be provided for SC/ST employees for ad hoc appointments of more than 45 days duration in accordance with the prescribed percentages and a separate roster has to be maintained for the said purpose (Annexure R-6). When on 4.12.98, Smt. Ramchandran was regularised on the post of Steno Grade.I, a regular vacancy of Steno Gr.II became available w.e.f. 4.12.98. Another vacancy of Steno Gr.II became available w.e.f. 4.12.98 due to regular promotion of Smt. Taljit Kaur, Steno Gr.II to the post of Steno Gr.I vide order dated 22.4.99 (Annexure R-7). According to the respondents, with the availability of these two vacancies of Steno Gr.II, the post-based roster came into effect and accordingly both the posts were required to be filled up by unreserved candidates. As such, the officiating promotion of the applicant was regularised and Smt. Sunita too was promoted on regular basis vide office order dated 14.5.99 (Annexure R-8). Respondents have also explained that in the case of Smt. Ramchandran, a regular vacancy existed on 8.5.91, whereas in the

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case of the applicant no regular vacancy existed till the promotion of Smt. Ramchandran which was made w.e.f. 8.5.91 vide order dated 5.9.2000 (Annexure R-9). In her counter Smt. Sunita, private respondent No.4 also contended that separate rosters are maintained in respect of ad hoc promotions and regular promotions. Thus, cycle of vacancies for regular promotion is different from that of ad hoc promotions. She contended that the vacancy against which she had been promoted on regular basis has been caused by promotion of Mrs. P. Ramachandran and in the roster for regular promotions, the vacancy had fallen in the general category. Thus, the vacancy has to be filled up by a general candidate. It has also been submitted that since the two promotions, viz., promotion on regular basis and ad hoc promotion are of entirely different character, a vested right in respect of one can be waived without compromising with the vested right in respect of the other. It has further been contended that notwithstanding the fact that the right would have accrued to the applicant by virtue of his long uninterrupted ad hoc promotion, he cannot be accommodated against the lone vacancy on regular basis which fell under the general category and against which her promotion had taken place. She further stated that applicant would have claimed regularisation in the post of Steno Gr.II for counting the ad hoc period of promotion only prior to the promotion of the answering respondent on regular basis. The applicant has filed a rejoinders as well.

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We have heard the learned counsel of all parties and considered the material on record.

3. The learned counsel of the applicant Shri N. Ranganathaswamy, drawing our attention to Government instructions on ad hoc appointments/promotions contended that in the case of ad hoc appointment by promotion, the claims of SC and ST have to be considered in accordance with the guidelines contained in the related Memoranda of the Government dated 30.4.1983 and 30.9.1983 where seniority-cum-fitness has to be taken into account even if selection is criterion for promotion. He contended that the applicant had been promoted on ad hoc basis on 1.6.89. He has been officiating as such since then and was regularised only w.e.f. 14.5.99 when Smt. Sunita too was promoted on regular basis with him vide Annexure-F dated 14.5.99. It is claimed on behalf of the applicant that the applicant should have been regularised right w.e.f. 1.6.89 and, in any case, w.e.f. 8.5.91 on regularisation of Mrs. P. Ramachandran as Steno Gr.I when a vacancy fell on a regular basis. Learned counsel also relied on the ratios in the following matters: Rudra Kumar Sain & Ors Vs. Union of India & Ors. 2000 VI AD(S.C.) 605 and Narender Chadha Vs. Union of India AIR 1986 SC 638 in which it has been held that a person who possesses the requisite qualification for being appointed to a particular post and then he is appointed with the approval and consultation of the appropriate authority and continues in the post for a

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fairly long period, then such appointment cannot be held to be 'stop-gap or fortuitous or purely ad hoc'. In the latter case, it was held that the entire period of officiation has to be counted for seniority.

4. The learned counsel of the official respondents Shri Mahendru stated with reference to Annexure R-6(OM dated 1.6.93) that the respondents have to maintain separate reservation roster for ad hoc appointments of <sup>more than 4</sup>45 days also. He pointed out that vide Annexure R-4 dated 31.5.89, the applicant had been promoted on the post of Steno Gr.II in the temporary vacancy of Mrs. P. Ramachandran on purely temporary and ad hoc basis. Smt. P. Ramachandran was regularised on the post of Steno Gr.I on 4.12.98. Thus, a regular vacancy occurred on 4.12.98. Another vacancy occurred on the promotion of Smt. Taljit Kaur to the post of Steno Gr.I on 4.12.98 as per Annexure R-7. However, the post based roster came into effect and both the posts were required to be filled up by unreserved candidates. The applicant had been given a chance to officiate on the post of Steno Gr.II on ad hoc basis w.e.f. 1.6.89 but was promoted on a regular basis on the basis of post-based roster when two posts came to occur on 4.12.98 vide order dated 22.4.99 (Annexure R-7).

5. Supplementing the arguments of Shri Mahendru, learned counsel of private respondent-4 Shri K.B.S. Rajan stated that Smt. Sunita is senior to the applicant and that earlier when the applicant was

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promoted on ad hoc basis as Steno Gr.II, he had been considered against a reserved point. However, when the regular vacancies came to exist at a later stage on the basis of the separate roster maintained for purposes of regular promotions, the applicant could not maintain his position on the basis of his earlier officiation and he was to be considered after his senior i.e. the private respondent as both the vacancies on the basis of post based roster happen to be unreserved. Learned counsel stated that whereas the applicant has availed himself of the pay and allowances for the period of officiation in the post of Steno Gr.II, he cannot be allowed to compute the period of his officiation on the post of Steno Gr.II for purposes of seniority.

6. The contention of the respondents regarding requirement of maintenance of separate post-based rosters for ad hoc and regular promotions has not been denied on behalf of the applicant. Learned counsel of the applicant only stated that separate <sup>rosters</sup> ~~registers~~ are maintained only to provide information as to who have been promoted on ad hoc basis and who have been promoted on regular basis and that they do not confer any right on the personnel for promotion and seniority. We are not in agreement with the learned counsel of the applicant. As per the Government's instructions, separate rosters have to be maintained for promotion on ad hoc and regular basis. The cycle of vacancies for regular promotion in the event of maintenance of separate rosters can be different from

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that for ad hoc promotions. The official respondents have explained how regular vacancies came about at a later stage than 1.6.89 when the applicant was promoted on ad hoc basis to the post of Steno Gr.II. The fact that the two posts of Steno Gr.II after maintenance of post-based roster, when both the applicant and Smt. Sunita were considered for promotion in 1999, were unreserved on the basis of the roster, has not been denied. At this juncture, it is relevant to extract paragraph-19 of the judgment in the matter of Rudra Kumar Sain(supra) which is as follows:-

"The meaning to be assigned to these terms while interpreting provisions of a Service Rule will depend on the provisions of that Rule and the context in and the purpose for which the expressions are used. The meaning of any of these terms in the context of computation of inter-se seniority of officers holding cadre post will depend on the facts and circumstances in which the appointment came to be made. For that purpose it will be necessary to look into the purpose for which the post was created and the nature of the appointment of the officer as stated in the appointment order. If the appointment order itself indicates that the post is created to meet a particular temporary contingency and for a period specified in the order, then the appointment to such a post can be aptly described as 'ad hoc' or 'stop-gap'. If a post is created to meet a situation which has suddenly arisen on account of happening of some event of a temporary nature then the appointment of such a post can aptly be described as 'fortuitous' in nature. If an appointment is made to meet the contingency arising on account of delay in completing the process of regular recruitment to the post due to any reason and it is not possible to leave the post vacant till then, and to meet this contingency an appointment is made then it can appropriately be called as a stop-gap arrangement and appointment in the post as ad hoc appointment. It is

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not possible to lay down any straight-jacket formula nor give an exhaustive list of circumstances and situation in which such an appointment (ad hoc, fortuitous or stop-gap) can be made. As such, this discussion is not intended to enumerate the circumstances or situations in which appointments of officers can be said to come within the scope of any of these terms. It is only to indicate how the matter should be approached while dealing with the question of inter se seniority of officers in the cadre".

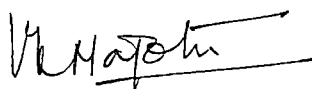
7. It has been clearly held that the meaning to be assigned <sup>to</sup> ~~to~~ terms such as 'ad hoc' 'fortuitous' and 'stop-gap' depend on the facts and circumstances in which the appointment is made. In the present matter, at the time when the applicant was considered for promotion to the post of Steno Gr.II in 1989, both Smt. Sunita and the applicant were found eligible for consideration of promotion to the post of Steno Gr.II. The vacancy was, however, required to be filled in by a candidate belonging to scheduled caste category according to the roster. Smt. Sunita, though senior being a general category candidate was not considered for promotion. However, the applicant was considered as he belongs to SC category.. It is clear that at the time the vacancy has resulted on account of promotion of its incumbent Mrs. P. Ramachandran to the post of Steno Gr.I on purely temporary and ad hoc basis. Consequently, the resultant vacancy had also to be filled on purely ad hoc basis. Thus, the facts and circumstances of the present case establish that promotion of the applicant to the post of Steno Gr.II has to be termed as ad hoc. As per relevant rules and instructions when the regular post came to exist, Smt.

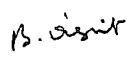
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Sunita and the applicant were considered for promotion on a regular basis as both the posts as per the roster for regular promotion happen to be unreserved. Both of them were promoted w.e.f. 14.5.99. Notwithstanding the fact that the applicant had been promoted on temporary basis w.e.f. 1.6.89 and had continued as such, he would not be able to get the benefit of continued officiation for purposes of seniority on the occurrence of regular vacancy in the post of Steno Gr.II. The position of reservation had changed and both posts of Steno Gr.II happen to be unreserved. The applicant cannot be given the benefit of continued officiation as per the rules and instructions. Regularisation can be made only w.e.f. 14.5.99 when vacancies came to exist on a regular basis.

8. Having regard to the reasons recorded and discussion made above, the OA is dismissed being devoid of merit. No costs.

  
(V.K. Majotra)  
Member (A)  
cc.

  
(B. Dikshit)  
Vice-Chairman (J)



CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

R.A. NO. 287/2001

in

O.A. NO. 166/2001

This the 4<sup>th</sup> day of September, 2001.

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HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Ms. Sunita W/O B.Soman  
(in the matter of Surendar Kumar  
vs. Union of India & Ors.)

... Applicant

-versus-

Surendar Kumar

... Respondent  
(Applicant in  
OA 166/2001)

O R D E R

Hon'ble Shri V.K.Majotra, Member (A) :

This is an application seeking review of order dated 11.7.2001 passed in MA No.1011/2001 in OA No.166/2001 allowing the present applicant to be impleaded as a party. These orders were passed after hearing all the concerned parties in the matter. We do not find any justification for reviewing this order excepting that the words in the 4th line of paragraph 3 of order dated 11.7.2001 "still remains senior" be substituted by the words "is made junior".

2. The review application is disposed of in the above terms, in circulation.

S. Raju

( Shanker Raju )  
Member (J)

V.K. Majotra

( V.K.Majotra )  
Member (A)

/as/

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

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R.A. NO. 354/2001  
in  
O.A. NO. 166/2001

New Delhi, this the 5<sup>th</sup> day of December, 2001.

HON'BLE SHRI JUSTICE B. DIKSHIT, VICE CHAIRMAN (J)  
HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

Surendar Kumar

... Applicant

vs.

Union of India & Ors.

... Respondents

Ms. Sunita,  
Stenographer Gr.II,  
O/O D.G.I.&R.,  
Bikaner House Barracks,  
New Delhi-110011.

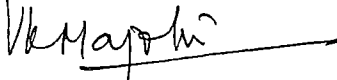
... Private  
Respondent

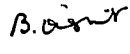
O R D E R

HON'BLE SHRI V.K. MAJOTRA, MEMBER (A) :

Through this application, the applicant seeks review of order dated 27.9.2001 in O.A. No.166/2001.

We have gone through the entire case and the order in question and we do not find any error apparent either on fact or of law. This application is only an attempt to re-argue the entire case which is beyond the ambit and scope of review. Accordingly, this review application is dismissed, in circulation.

  
( V. K. Majotra )  
Member (A)

  
( B. Dikshit )  
Vice Chairman (J)

/as/