

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

OA NO. 2190/98

New Delhi, this the 11th day of October, 2000

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

In the matter of: .S
Kaushal Kumar Sharma,
Motor Driver,
All India Radio,
Aligarh, UP. Applicant
(By Advocate: Sh. M.K. Bhardwaj proxy for
Sh. A.K. Bhardwaj)

VS.

1. Union of India through
The Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi.
2. The Director General,
All India Radio,
Sansad Marg, (Akashwani Bhawan),
New Delhi.
3. The Superintending engineer,
High Power Transmission,
Akashwani,
Aligarh, U.P.
4. Sh. Naiteer Pal
Motor Driver Gr-II,
HPT, Akashwani,
Aligarh, U.P.
(By Advocate: Sh. S.M. Agif)

ORDER (ORAL)

By Mr. Govindan S. Tampi,

The applicant who is a Motor Driver in All India Radio challenges the order promoting another person respondent No.4 who he claims is his junior.

2. The applicant was working as Motor Driver from 30.10.1970 and had worked as workcharged staff from 30.10.70 to 15.5.71. He was thereafter placed under suspension w.e.f. 2.4.83 and reinstated w.e.f. 14.1.86, as no prima facie was made out against him. Resp. No.4 was appointed on 14.5.71 and therefore he, according to the applicant was junior to him but

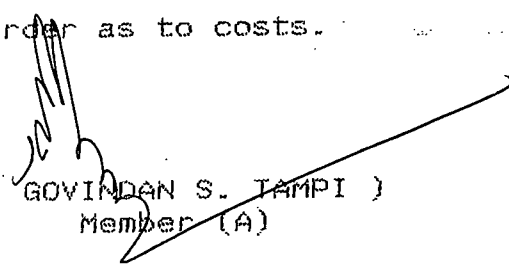
13


he was promoted as Motor Driver Gr-II in July 1997 and in Grade-I in August, 1997. The applicant filed a representation on 26.8.97, following which he was given in situ promotion w.e.f. 3.9.97 in the grade of Rs.1200-1800. He was placed below the individual who is Resp. No.4 who has been promoted in August, 1997. His request in this application is that he should get the benefit of his service under work charged establishment w.e.f. the date of promotion of Resp. No.4 who was promoted in August, 1997.

3. Sh. M.K.Bhardwaj, learned counsel for applicant reiterates the plea in the application and stated that the service rendered by him as Driver in work charge establishment in 1970-71 was to be counted and should have been considered and if the same was done he would be senior to Resp. No.4. This is strongly contested by Sh. ^{S.M.} Arif, learned counsel for respondents. Resp. No.4 joined as Driver on a day earlier before the applicant's regularisation. He has been correctly given the seniority and promoted a month ahead than the applicant.

4. We have considered the counter. We are convinced that the applicant has been given correct seniority. He is seeking benefit vis-a-vis his colleague Resp. No.4, who has been regularly appointed as Driver in 1971, on the basis of his service under work charged establishment. ~~that~~ His service is purely ad hoc service and it cannot be considered as a regular service for purposes of seniority. The decision taken by the respondents in granting promotion to Resp. No.4 from August 1977 treating him senior to the applicant is correct and does not call for interference.

5. The application in the circumstances fails and is accordingly dismissed. In the circumstances of the case no order as to costs.


(GOVINDAN S. JAMPI)
Member (A)


(V. RAJAGOPALA REDDY)
Vice Chairman (J)

"sd"