

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 1803/1995

New Delhi this the 4th day of October, 1999.

HON'BLE SHRI A. V. HARIDASAN, VICE CHAIRMAN (J)

HON'BLE SHRI S. P. BISWAS, MEMBER (A)

S. P. S. Rana,
Junior Engineer (Horticulture),
Nursery, Advanced Level
Telecommunication Centre,
Ghaziabad. ... Applicant

(None present for Applicant)

-Versus-

1. Union of India through
Secretary, Deptt. of Communication,
Sanchar Bhawan,
New Delhi.
2. Member (Productions),
Dept. of Telecommunications,
Sanchar Bhawan,
New Delhi.
3. Chief General Manager,
Advanced Level Telecommunication
Training Centre (ALTTC),
Ghaziabad.
4. Chief Engineer (Civil),
North Zone, Telecommunication,
Civil Wing, Jhandewalan,
New Delhi. ... Respondents

(By Shri V. S. R. Krishna, Advocate)

O R D E R (ORAL)

Shri S. P. Biswas, AM :

The applicant, presently an Assistant Engineer (Horticulture) under the respondents, is before us seeking relief in terms of treating the period from 1.4.1985 to 29.12.1988 as regular Junior Engineer (Hort.) and pay the difference of salary as admissible as also to treat the period as continuous service for the purpose of counting the seniority. The law in respect of counting of the service rendered by an *on ad-hoc basis*

Ans

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official for the purposes of treating the same as a part of the continued service, is now well settled. The applicant in his rejoinder dated 14.10.1996 admits that he has been paid dailywages and that he has not been paid the scale applicable to the officials similarly placed. When the service is not according to rules and is not ~~in regular~~ ^{any} scale, the service rendered as dailywager cannot get counted for the purpose of seniority. Seniority is counted only from the date of regular appointment/regular entry in the cadre. The applicant by his own admission accepts that his regular entry in the cadre is from 1.3.1988.

2. It is also seen that the applicant's claim for counting of seniority from 1985 has been agitated by filing an O.A. on 31.8.1995. The applicant submits that he had given two representations, one in September, 1993 and the other in December, 1993. It is also well settled law that claim for seniority has to be in time as a belated claim is likely to create administrative difficulties and complications. An official claiming back-dated seniority is required to wake-up at appropriate time. The applicant's case is, therefore, hit by limitation.

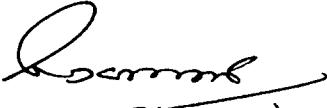
3. Looking into the case from the merit point of view, we do not find any basis to interfere in the claim of the applicant either to give him the benefit of seniority as a dailywager from 1.4.1985 to

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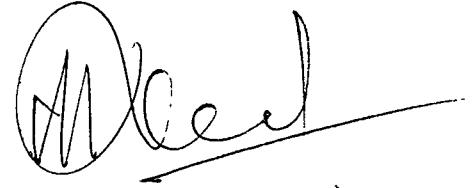
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29.12.1988 or for giving him the benefit of difference
of salary for that period.

4. The application is devoid of merit and it is
hereby dismissed. No costs.


(S. P. Biswas)

Member (A)


(A. V. Haridasan)
Vice Chairman (J)

/as/