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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1541/2000

Monday, this the 2nd day of July, 2001

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

M.P. Silswal (UDC)
Passport Office,
Ghaziabad (UP) Applicant
(By Advocate : Shri M.K. Bhardwaj)

Versus

1. Union of India
Through:

The Secretary,
Government of India,
Ministry of External Affairs,
New Delhi
2. The Joint Secretary & CPO (CPV),
Ministry of External Affairs,
Patiala House,
New Delhi Respondents
(By Advocate : None)

O R D E R (ORAL)

By S.A.T. Rizvi, Member (A):-

In response to respondents' Circular of February 1989 (Annexure -I), the applicant, who was a Lower Division Clerk at the time, offered himself as a candidate for the post of UDC (Hindi), and consequently he was appointed as UDC (Hindi) on purely ad-hoc/temporary basis by respondents' order dated 1st June, 1989. The applicant continued to function as such for several years until he was promoted to officiate in Grade VI (UDC) w.e.f. 1.11.1999 by Office Order dated 4.11.1999. Meanwhile the applicant had made several representations for grant of seniority in the post of UDC with effect from the date he started working in the post of UDC (H) on ad-hoc basis. His continuance as UDC (Hindi) on ad-hoc basis was supported by the respondent-department from time to time.

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He had filed representations for grant of seniority as above on 17.11.1999, 30.12.1999 and thereafter on 10.1.2000. There has been no response to the aforesaid representations from the respondents.

2. We have heard the learned counsel appearing on behalf of the applicant and have perused the OA as well as the reply filed by the respondents.

3. Insofar as his status as UDC (Hindi) is concerned, we find from the reply filed by the respondents that in November, 1997 a Circular was issued for filling up of 4 posts of UDC (Hindi) in the Passport Offices on the basis of Limited Departmental Competitive Examination. The aforesaid examination was held on 19.6.1998 and, according to the respondents, the applicant appeared in the said examination but could not secure a proper rank so as to secure his promotion to the post of UDC (Hindi). His promotion to Grade VI (UDC) on regular basis made in November, 1999 is with respect to the post of UDC and not UDC (Hindi). In their reply the respondents have contended that since he has been promoted as UDC w.e.f. 1.11.1999, as such he cannot prefer any claim for seniority as UDC on the basis of his past experience of working on the post of UDC (Hindi).

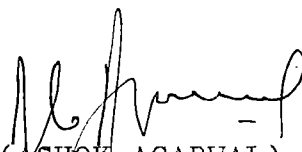
4. The learned counsel appearing on behalf of the applicant submits that there is a common seniority list of UDCs including UDCs (Hindi) and it is on this basis that he filed the present application for grant of seniority with effect from the date on which he started working as

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UDC (Hindi) even though on ad-hoc basis. The aforesaid submission has not been supported by production of seniority list nor by placing before us the Recruitment Rules concerning UDCs. In this view of the matter, we are inclined to leave the matter to be decided by the respondents in the light of the representations made by the applicant which are still pending and the relevant rules on the subject.

5. In the aforesaid circumstances, we dispose of the OA by directing the respondent-authority in turn to dispose of the aforesaid pending representations by passing a reasoned and a speaking order. Before passing the order, the respondent-authority will grant personal hearing to the applicant to enable him to place before the respondent-authority not only the facts and circumstances arising in the OA but also the judgement of the Supreme Court in the case of The Direct Recruit Class II Eng. Officers' Ass. v. State of Maharashtra reproduced in JT (1992) SC 26⁴. For the expeditious disposal of the matter, the applicant is directed to appear before the respondent No.2 on 18th July, 2001 at 11.30 AM. The respondents are further directed to pass a final order in the matter within a period of two months from the date of receipt of a copy of this order. No costs.


(S.A.T. RIZVI)
MEMBER(A)


(ASHOK AGARWAL)
CHAIRMAN

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