

5

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO. 564/89

Monday, this the 11th day of April, 1994

SHRI N. DHARMADAN (J)  
SHRI P.T. THIRUVENGADAM (A)

1. C.B. Gianchandani  
Senior Stenographer,  
Central Road Research Institute,  
Mathura Road, New Delhi - 20.

2. V.P. Gauri, -do-

3. Jagdish Kumar, -do-

4. D.V. Sharma, -do-

... Applicants

(Applicants appeared in person)

V/s

1. Council of Scientific & Industrial  
Research, through Joint Secretary (Adm),  
Rafi Marg, New Delhi - 110 001.

2. Central Road Research Institute,  
through Administrative Officer,  
PO CRR I, Mathura Road,  
New Delhi - 20.

3. Miss H.S. Malathi, S.P.A.,  
Central Electrochemical Research  
Institute, Karaikudi-623 006.

4. Shri K.N. Murthy, S.P.A.,  
National Chemical Laboratory,  
Pune-411 008.

... Respondents

By Advocate Mrs. Sheil Sethi.

ORDER

N. DHARMADAN (J)

Four applicants have jointly approached this Tribunal invoking the jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act. They are aggrieved by the final seniority list of Senior Stenographers as on 31.10.81, Annexure-A9, and a consequential order, Annexure-A10. They are challenging the

6

same on the ground that they have not been assigned correct seniority after taking into account their ad-hoc service from January 1980 to March 1981.

2. According to the applicants, they were appointed on promotion with effect from 8.1.80 as Senior Stenographers on ad-hoc basis. Thereafter, as per Annexure-A2 order, they were regularised as Senior Stenographers in March 1981. Annexure-A3 provisional seniority list was issued after including their provisional service from 1980. They were at serial Nos. 150, 151, 148 and 149 respectively. Later, after convening the DPC in accordance with the rules and considering their claim along with such of those candidates eligible for promotion, a final seniority list was also issued in the year 1988 in which the applicants were shown below respondents 3 & 4, presumably because they were denied the benefit of provisional service from January 1980 to March 1981. Against the 1988 seniority list, they filed Annexures-A5 to A8 objections. It is after considering these objections that the impugned final seniority list, Annexure-A9, was issued by the respondents 1 and 2. Consequently, transfers and postings were also made as per Annexure-A10 order. Aggrieved by both the seniority list, Annexure-A9, and office memorandum, Annexure-A10, they have filed this original application.

3. The respondents have filed a detailed reply denying all the averments and allegations in the O.A. The applicants have also filed a rejoinder.

4. Having heard the counsel on both sides, the only question to be considered is as to whether the applicants' provisional service from January 1980 to March 1981 can be included with their regular service, in accordance with the statutory rules, particularly when the department counted their ad-hoc service for giving seniority when an earlier provisional seniority was issued.

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5. It is admitted by the applicants that their provisional appointments were not made after following the provisions of the statutory rules. They were not recommended by a D.P.C. at that time. However, the applicants' provisional services from January 1980 to March 1981 were taken into consideration, when the respondents have issued the provisional seniority list, Annexure-A3, and that seniority list continued upto the year 1988 and acted upon for making promotions and postings. But, in the mean time, respondents 1 & 2 have realised the mistake and rectified the same after considering the objections filed in this behalf and also the claims of respondents 2 & 3. Accordingly, the impugned seniority list, Annexure-A9, was issued.

6. It is settled proposition of law that the provisional appointments made without following the statutory rules and considering the rival claims of others who are eligible for such considerations would not confer right for computing the same with regular service when such provisional appointment is followed by regular appointment and <sup>the</sup> appointee is not entitled to get the service regularised from the date of provisional appointment.

7. In this case, the same mistake has been corrected at the time when the final seniority list was issued. It being the correct proposition of law and the department has only corrected the simple mistake, we are of the view that the seniority list, Annexure-A9, is unassailable and the applicants have not made out a case for interference.

8. Accordingly, having regard to the above position, we dismiss the O.A. as devoid of any substance. There will be no order as to costs.

P. T. Thiruvengadam

( P.T. THIRUVENGADAM )  
MEMBER (A)

N. Dharmadan  
11.4.94

( N. DHARMADAN )  
MEMBER (J)

v/-