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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 826 of 1988

Date of decision: 30.01.1992.

Shri P.K. Das

...Applicant

Vs.

Union of India through the
Min. of Communications and
another

...Respondents

For the Applicant

...None

For the Respondents

...Shri P.H. Ramchandani,
Sr. Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *yes*
2. To be referred to the Reporters or not? *NO*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

The applicant who is working as Stenographer Grade-II in the Monitoring Organisation under the Ministry of Communications filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying that he should be declared entitled to seniority with effect from 22.11.1976 for all purposes and for promotion to the post of Administrative Officer. After considering the matter, another Division Bench by its referral order dated 31.12.1990 referred

[Signature]

the following issues to a larger Bench for decision:-

"(i) Whether in accordance with Rule 11 of the Revised Scheme for Redeployment of Surplus Staff, the seniority of the staff who are rendered surplus and are redeployed is to be reckoned in the new organisation/new post from the date of his original entry into service;

(ii) If the answer to the above is in the affirmative whether such a decision would affect the conditions of service and the legal rights of the existing employees?"

2. After going through the records of the case carefully and hearing the learned counsel for both parties, the Full Bench by its judgment dated 21.8.1991 answered the above questions as follows:-

"(1) Seniority of the staff who are rendered surplus and are re-deployed is to be reckoned in the new organisation/new post from the date of his joining the new organisations/new post and not from the date of his original entry into Govt. service. Para 11 (mentioned as Rule 11) of the Revised Scheme for Redeployment of Surplus Staff which embodies this principle, does not suffer from any legal or constitutional infirmity.

(2) Conditions of service, the legal rights and the

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legitimate expectations of the existing employees will be adversely affected if the past service rendered by a redeployed employee is reckoned as regular service in the new Department for the purpose of his promotion in that Department".

3. RA 224/91 was filed by the applicant against the aforesaid judgment and it was dismissed on 2.1.1992.

4. In view of the opinion given by the Full Bench, we hold that the applicant is not entitled to the relief sought in the present application. The application is, therefore, dismissed.

There will be no order as to costs.

B.N. Dhoudiyal
(B.N. DHOUDIYAL) 30/1/92
MEMBER (A)

30/1/92
(P.K. KARTHA)
VICE CHAIRMAN (J)

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