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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH N/DELHI

O.A.No. 934/1988

New Delhi this the 9th day of November, 1993.

The Hon'ble Mr. N. V. Krishnan, Vice Chairman (A)
The Hon'ble Mr. B. S. Hegde, Member (J)

Asha Ram Koli
H.No. 9565/2, Goushala Lines,
Bara Dari, Kishangunj,
Delhi-110006.

... Applicant

(By Advocates Sh. Umesh Mishra with
A. Kalia, counsel)

Versus

1. Union of India, Ministry of
Telecommunication, Govt. of India,
Sanchar Bhawan, N/Delhi through
its Secretary.
2. The Director General,
Telecommunication, Deptt. of
Telecommunication, Sanchar Bhawan,
New Delhi.

... Respondents

(None for the respondents)

O R D E R (ORAL)

(Hon'ble Sh. N. V. Krishnan, Vice Chairman (A))

This O.A. was filed by the Applicant on 20.5.1988 and was admitted on 24-5-1988. Notice was issued to the respondents. Though served and given adequate opportunities, Neither the respondents nor any representative or counsel appeared on behalf of respondents. The respondents have not filed any reply. Hence this application is being disposed of on the basis of available records, after hearing the applicant's counsel.

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2. The applicant joined the office of the Director General, Telecommunication, Govt. of India, Sanchar Bhawan, New Delhi as a Sectional Officer w.e.f. 1967. He was promoted as Assistant Engineer w.e.f. 16.7.1977 and he was regularised on that post w.e.f. 20.3.1978.

3. He was promoted to the post of Executive Engineer(Electrical) w.e.f. 23.4.1983. He has not been regularised on that post.

4. It is in this circumstance that the applicant has filed this application seeking the following reliefs:-


- i. The impugned seniority list dated 13.11.87 in respect of Asstt. Engineers(Elect) should be quashed as invalid, improper and imperpetive;
- ii Direct the respondents to count the period of officiating of the applicant as Asstt. Engineer(Elect) and that of as Executive Engineer(Elect) towards regular service and refix his seniority and place him at the appropriate place vis-a-vis direct recruits;

5. During the course of hearing, the learned counsel for the applicant did not press the prayer *U of the OA, reproduced above* at sub para (i) in para 9/ and hence that prayer is not being considered. The only important prayer that remains is 9(ii) of the O.A. which is for a direction to the respondents to count the period of officiation of the applicant as Asstt. Engineer(E) and that of as Executive Engineer(Elect) towards regular service and refix his seniority and place him at the appropriate place vis-a-vis direct recruits.


6. The learned counsel for the applicant produces for our perusal Memorandum No. 21/1/81-CWG dt. 31.3.83 issued by the IInd respondent (Director General of Posts, Telegraph Civil Wing Gazetted, N/Delhi) which states that the applicant is promoted to the grade of Executive Engineer (E) on a purely temporary and adhoc basis with effect from the date he takes over the charge, till such time alternative arrangement are made.

7. We are of the view that the case of the applicant for regularisation as Executive Engineer (Elect) is a matter to be considered by the IInd respondent in accordance with law. Therefore, the only direction we can give in this case is that the second respondent should consider the question of regularisation of the applicant as Executive Engineer (E) and determine the period of service, if any, rendered by him in that post which will count for seniority in that grade, in accordance with law. Accordingly, we issue such a direction to the second respondent who shall communicate his decision to the applicant in this regard within 2 months from the date of receipt of this order.

8. Accordingly, OA is disposed of with this direction.


(B.S. Hegde)

Member (J)


9/11/83
(N.V. Krishnan)

Vice Chairman (A)