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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH
NEW DELHI

O.A.1143 of 1988
Decided on:29.8.88

1. SHRI VEER PAL, CLERK, UNDER SENIOR DIVISIONAL ELECTRICAL ENGINEER(RS), NORTHERN RAILWAY, GHAZIABAD (U.P.).
 2. SHRI PREM KUMAR, TELEPHONE CLERK, UNDER LOCO FORMAN, NORTHERN RAILWAY, JIND.
-APPLICANTS

VERSUS

UNION OF INDIA THROUGH THE GENERAL MANAGER, NORTHERN RAILWAY, BARODA HOUSE, NEW DELHI.

2. THE DIVISIONAL RAILWAY MANAGER, NORTHERN RAILWAY, STATE ENTRY ROAD, NEW DELHI.

.....RESPONDENTS

Present :- Mr.B.S.Mainee, Advocate for the applicants.
Mr.Inderjit Sharma, Advocate for the respondents.

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Coram :- Hon'ble Mr.Justice J.D.Jain, Vice Chairman
Hon'ble Mr.Birbal Nath, Administrative Member

ORDER :

The applicants were declared successful in the written test held for the post(s) of Junior Clerk on 27.3.83 in the grade of Rs.260-400. The test was held by the respondent No.2. Thereafter the applicants were appointed to the post of Junior Outdoor Clerk in terms of Divisional Personnel Officer's letter No. 758-E/323/E8/ dated 2nd June, 1983. They have

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been officiating against the said posts ever since their employment with effect from 2.6.83. The test was held by the respondents on 13.12.85 and the result was declared on 6.5.86 (Annexure A-10). The applicants were also amongst the successful candidates and they were brought on the provisional panel. Now ~~vide~~ impugned order dated 22.10.86 the services of the applicants are being considered ^{for the purpose of seniority} with effect from the date on which they were brought on the provisional panel viz., 6.5.86 and their previous service ^{which} has been termed as 'ad hoc' is being ignored. Thus the respondents ^{have} deprived the applicants of their seniority from the date of their ^{initial} appointment on the ground that they were working on ad hoc basis.

2. Feeling aggrieved, the applicants have filed this application U/S 19 of the Administrative Tribunals Act, 1985 for issuing direction to the respondents that their entire service with effect from 2.6.83 be reckoned for the purpose of seniority for promotion to the next higher grade.

3. The respondents have not filed any counter-affidavit. The learned counsel for the respondents is fair enough to concede that so far as the claim for seniority is concerned, it is covered by the judgment of this Tribunal in Sh.Chander Mohan Sharma & Others Vs. Union of India and others dated 26.6.87, copy Annexure A-15. However he contends that the other reliefs claimed by the applicants are not tenable in this case.

contd...

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4. We have heard the counsel for the parties and gone through the judgment dated 26.6.87 a copy of which is Annexure A-15. We find that the case of the applicants is squarely covered by the said judgment so far as their claim of seniority on the basis of continuous officiation is concerned. with effect from 2.6.83/ They were admittedly holding though substantive posts, even though their appointment was termed as ad hoc, which was subsequently regularised. Hence following the afore-said judgment, we direct the respondents that the entire service of the applicants w.e.f. 2.6.83 shall be reckoned for the purpose of seniority in the aforesaid grade and and on the basis of seniority, the applicants shall be entitled to all the consequential benefits including consideration for promotion to the next higher grade in accordance with the rules. This order shall be complied with within three months from the receipt of its copy. There will be no order as to costs.

28/8/88
(Birbal Nath)

J. D. Jain
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VC

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