



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 2162/2020

M.A. No. 2758/2020

This the 5th day of January, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Subash Chander Sharma
S/o P.C. Sharma
Aged about 57 years
R/o P-110/4, Kabul Line
Delhi Cantt.-10.

.. Applicant

(through Mr. Praveen Kumar, Advocate)

Versus

1. Union of India through
Secretary
M/o Defence
South Block, New Delhi-011.
2. Director General of EME/EME (Civ.)
Master General of Ordinance Branch
Integrated HQ of MoD (Army)
DHQ PO, N. Delhi-05.
3. Chief Record Officer
EME Record C/o 56 APO
PIN-900453.
4. Commandant
505, Army Based Workshop
Delhi Cantt. New Delhi-10.
5. Shri K.D. Rawat, O/Supdt.
505 Army Workshop
Delhi Cantt., N. Delhi-10.

6. Smt. Ranjeet Kaur, O/Supdt.
505, Army Based Workshop
Delhi Cantt., N. Delhi-10.
7. (Biju Shantharam)
Brig
Commandant & MD
(Disciplinary and Appointing Authority)
505 Army Base Workshop
Delhi Cantt.-10.



.. Respondents

(through Mr. Sandeep Tyagi , Advocate)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman:

The applicant has initially been appointed on ad hoc basis in the Corps of EME as LDC on 22.12.1981 against a combatant vacancy. Thereafter, he was placed against a regular vacancy on 11.07.1983. He was regularised in that post through order dated 11.07.1985, with effect from that date. Respondent No.5 was similarly appointed against a combatant vacancy as LDC on ad hoc basis on 28.03.1981 and placed against regular vacancy on 16.09.1982. He was regularised in that post w.e.f. 17.09.1984. Similarly, the 6th respondent was appointed against the vacancy on 28.03.1981, posted against regular vacancy on 17.09.1982 and regularised as LDC w.e.f. 22.09.1984. All of them earned promotions to the higher post of UDC etc., thereafter.

3. The applicant filed OA No.1779/2019 complaining that his seniority was not properly fixed. The OA was disposed of on 24.09.2020 directing the respondents to pass a speaking order on the representation made by the applicant. In compliance to the same, the Commandant & MD, i.e., the 4th respondent herein, passed an order dated 03.11.2020 stating that in view of the respective dates of the initial engagement against combatant vacancies, placing against regular vacancies and ultimate confirmation in the post of LDC, the applicant cannot be treated as senior to respondent Nos.5 & 6. The same is challenged in this OA.



3. The applicant contends that once he was engaged as LDC, *albeit* against a combatant vacancy on 22.12.1981, he is entitled to be regularised with effect from that date and there was no basis for the respondents in treating him as junior to the respondent Nos.5 & 6, and other similarly placed persons.

4. We heard Shri Praveen Kumar, learned counsel for the applicant and Shri Sandeep Tyagi, learned counsel for the respondents at the stage of admission in detail.

5. The applicant claims over respondent nos.5 & 6. The respective dates of their being posted against combatant vacancies, thereafter the regular vacancies of LDC and the

subsequent promotion are mentioned in the impugned order. A perusal of the same discloses that against the regular vacancy of LDC, the applicant was appointed on 11.07.1983 whereas respondent Nos.5 & 6 were posted on 16.09.1982 and 17.09.1982 respectively. All of them were confirmed against those vacancies. While the applicant was confirmed on 11.07.1985, respondents 5 & 6 were confirmed from 17.09.1984 and 22.09.1984. It is just un-understandable as to how, the applicant, who was appointed and regularised much subsequent to the respondents 5 & 6, can claim seniority over them. His plea that he must be treated as senior to respondent Nos.5 & 6 and to set aside the promotion of those two officials, is totally untenable.

6. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/sunil/jyoti/vb/

