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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.1570/90

NEW DELHI THIS THE 23rd DAY OF AUGUST, 1994

HON'BLE SHRI A.V. HARIDASAN, MEMBER (J)
HON'BLE SHRI B.K. SINGH, MEMBER (A)

Shri K.P. Singh,
S/o Shri Karam Singh,
R/o 149-B Gali No.8
East Sardarpur,
New Delhi-110046

Dairy Supervisor/Asstt Manager in
Delhi Milk Scheme,
West Patel Nagar,
New Delhi.

...Applicant

By Advocate : None

VERSUS

1. UNION OF INDIA, THROUGH

Secretary,
Department of Agriculture & Coop.
Krishi Bhavan,
NEW DELHI.

...Respondents.

By Advocate : Madhav Panikar

JUDGEMENT (ORAL)

Hon'ble Shri A.V. Haridasan, Member (J)

The applicant has prayed for the following relief :-

1. The recommendations made by the S.I.U in 1983 regarding man-power requirement should not be implemented at this stage.
2. The impugned orders already issued i.e. 30.6.90 & 28.12.89 declaring the applicant surplus be quashed and set aside.
3. The seniority for all purposes be counted from 14.01.75.

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2. The facts of the case are as follows :-

The applicant was initially appointed on ad hoc basis for a period of 3 years as Assistant Manager/Dairy Supervisor by order dated 16.12.74 (Annex.A-3). However, he was regularised on post by order dated 29.08.80 w.e.f. 14.11.78 (Annexure - A-3A). He has made quasi permanent by the respondents order dated 7.6.82 with effect from 14.11.81. When he was continuing in service on the recommendation of the S.I.U made in 1983 certain posts were abolished and certain posts were declared as surplus. The applicant was one such person who was declared surplus under the Government policy, vide order dated 30.6.90. The applicant has filed this application impugning the order dated 30.6.90 (Annexure A-1) by which he was rendered surplus, prayed that the above order may be quashed and set-aside declaring that the recommendation of the S.I.U of the dated 1983 need not be implemented and that a direction to the respondents be issued to grant him seniority in the grade of Assistant Manager w.e.f. 14.01.75, the date on which he was allegedly regularised. The applicant in his application has alleged that he was entitled to be regularised w.e.f 14.1.75 i.e. the date of his initial entry into the service. He further alleged that the act of the respondents in declaring him surplus and whereas those who joined after him in 1975 have been retained in service.

3. The respondents have justified their action on the ground that the Government of India have taken a policy decision and on the basis of recommendation of S.I.U certain posts in Delhi Milk Scheme were declared surplus/abolished. The applicant who was

confirmed only on 12.3.90 (Annexure A-5), has been declared surplus and redeployed in the Office of Imports and Exports, Tilak Marg, New Delhi on 31.10.90.

Since the recommendation of S.I.U has been acted upon even in the years 1989, according to the respondents prayer/relief No.1 has become infructuous. Regarding prayer of the applicant for seniority from the initial date of appointment, the respondents contend that as the initial appointment of the applicant was only on adhoc basis towards the post for which was sanctioned upto 28.2.75, the applicant is not entitled to the reliefs claimed.

4. When the application came up for final hearing none appeared on behalf of the applicant.

5. However, we have heard the learned counsel for the respondents Shri Madhav Panikar and perused the pleadings. The learned counsel appearing for the respondents submitted as far as the prayer of the applicant for a declaration that the recommendation of the S.I.U made in the year 1983 need not be implemented, the recommendations have already been implemented in the year 1989, and that the prayer of the applicant has become infructuous. As the recommendations have been implemented before the O.A. was filed the application praying that relief has become infructuous.

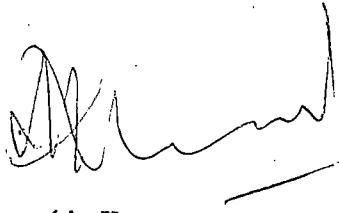
6. Coming to the impugned order by which the applicant was declared surplus, it has now been brought out by record that no persons who have been regularly

appointed after the applicant has been retained in service while the applicant has been rendered surplus. The impugned order had to be issued on the abolition of the post on the basis of the policy decision taken by the Government, we are of the view that the applicant is not entitled to the claim.

7. Now coming to the applicant's claim for seniority, as the initial appointment in the year 1975 was only for a specific period of 3 years towards the post sanctioned for a limited period only and was purely on adhoc temporary measure with the clear understanding that on the appointment did not guarantee the regularisation, we are of the considered view that the applicant is not entitled to the seniority from the date of his adhoc appointment.

8. In the above facts and circumstances of the case we find that the applicant is not entitled for any relief claimed in the application. The application is dismissed accordingly, leaving the parties to bear their own costs.


(B.K. SINGH)
MEMBER (A)


(A.V. HARIDASAN)
MEMBER (J)