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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.1901/90
M.A.No. 302/93

NEW DELHI THIS THE 25th DAY OF OCTOBER, 1994.

HON'BLE SHRI C.J. ROY, MEMBER (A)
HON'BLE SHRI S.R. ADIGE, MEMBER (J)

Shri Prabhat Singh,
Laboratory Assistant,
Delhi Milk Scheme,
West Patel Nagar,
NEW DELHI-8.Applicant

(By Advocate : Shri KBS Rajan)

VERSUS

1. Union of India, through
The Secretary,
Ministry of Agriculture & Coop,
(Dept of Agriculture)
Krishi Bhavan,
New Delhi.
2. The General Manager,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi.Respondents

(By Advocate : Shri Madhav Panikar)

JUDGEMENT (ORAL)

Hon'ble Shri C.J. Roy, Member (J)

The applicant is employed with the Respondents as Laboratory Assistant in the year 1966, and the applicant was placed initially on probation as Temporary Labour Assistant for a period of 2 years. At this point of time of appointment there were no Recruitment Rules. Subsequently, the department framed recruitment rules in 1975. The applicant was appointed to the post of Lab. Assistant as he fulfilled the required qualifications & conditions prescribed for the said post. Though the

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applicant has worked for 14 years in the said capacity and in the provisional Seniority List, he is at Sr.No.1, he is declared surplus. In the year 1982 a final seniority list is issued in which the Applicant's name stood at Sr.No.20., in the seniority list. The applicant filed this O.A. claiming a relief that the impugned order dated 29.03.90 be set aside and the applicant should not be identified and declared surplus. His name should not also be considered for deployment to the surplus Cell. Another Memo issued by the Respondents on 18.8.90 also may be altered and directed to be withdrawn and the applicant may be granted all consequential benefits.

2. The Respondents filed the counter stating that the applicant since retired, has obtained an interim order already and got all the benefits and he has no grievance, and he is not entitled for any further relief as argued by Shri Madhav Panikar, learned counsel for the Respondents.

3. The whole point involved in this case is that at the time when he ^{was} appointed there ^{were} ~~were~~ no Recruitment Rules and ^{were} Recruitment Rules framed in 1975 can be retrospectively applied to him or not. We are not satisfied that the department is entitled to retrospectively apply the recruitment rules to the applicant and deprive him the service of 14 years and declare him as surplus. Therefore, we

are inclined to agree with the view taken already by the different Bench and interim order is granted. We hereby confirm and make the interim order absolute and direct the respondents to give consequential benefits, if any, to the applicant.

4. The respondents are directed to complete this exercise as expeditiously as possible preferably within a period of 3 months from the date of receipt of this order. The O.A. is disposed of accordingly. No costs.

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(S.R. ADIGE)

MEMBER (A)

ROY
(C.J. ROY)
MEMBER (J)

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