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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: N.DELHI.

REGN.NO. O.A. 470/91.

Date of decision: 02.03.1993.

Antony Mathew.

..Petitioner.

Versus

Delhi Administration & Ors.

..Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner.

..Shri Shyam Babu,
Counsel.

For the Respondents.

..Shri Anoop Bagai,
Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr.-Justice V.S. Malimath, Chairman)

The petitioner was appointed as Sub Inspector in Border Security Force on 21.4.1980. He was appointed as Sub Inspector on substantive basis w.e.f. 1.10.1984. He came to be sent on deputation basis to Delhi Police on 19.11.1985. He came to be absorbed in the Delhi Police in the same grade of Sub Inspector w.e.f. 19.6.1987. He has in due course been confirmed in that position. The petitioner's claim in this case is for determining his seniority taking into consideration the date of continuous officiation as Sub Inspector in the Border Security Force, i.e. from 21.4.1980, on which date he was appointed as Sub Inspector in the Border Security Force or w.e.f. 1.10.1984, the date of his substantive appointment in the Border Security Force. The respondents have decided to accord seniority to the petitioner with effect from the date of his absorption, namely, 19.6.1987. The contention of the petitioner is that he is entitled to the benefit of service rendered by him with the Border Security Force for the purpose of reckoning his seniority. So far as the principle of law is concerned, the learned counsel for the petitioner relied upon the judgement of the Supreme Court in AIR 1987 SC 2291 between **K. Madhavan** and

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anr. Vs. Union of India and others. The relevant discussion in paragraph 21 of the judgement makes it clear that the full credit must be given to the petitioner for the service rendered by him on a substantive basis in the Border Security Force contends that he w.e.f. 1.10.1984. The petitioner /should be given seniority taking the date of his initial appointment or in the alternative his seniority may be counted w.e.f. 1.10.1984 when he was appointed on substantive basis with the Boarder Security Force. The petitioner has not produced any material showing that he was appointed w.e.f. 21.4.1980 on permanent basis. In the absence of clear material, we will not be justified for taking 21.4.1980 as the correct date. There is no dispute that the petitioner was appointed as Sub Inspector with the Border Security Force w.e.f. 1.10.1984 on a substantive basis. That is the date which should be taken into account for determining the seniority of the petitioner.

2. For the reasons stated above, this petition is allowed. The respondents are directed to accord seniority to the petitioner in the Delhi Police taking 1.10.1984 as the date of appointment as Sub Inspector in the Border Security Force on a substantive basis. He shall be accorded all other benefits flowing from determination of such seniority. No costs.


(I.K. RASGOTRA)
MEMBER(A)

'SRD'
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(V.S. MALIMATH)
CHAIRMAN