

CENTRAL ADMINISTRATIVE TRIBUNAL

Principal Bench

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O.A. No. 2235 of 1992

New Delhi, dated this the 1st October, 1997

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri A.C. Abraham,
Asst. Driller,
S/o Shri G. Verghese,
O/o The Director,
Central Soil & Material Research Station,
Ministry of Water Resources,
New Delhi. ... APPLICANT

(By Advocate: Shri P.L. Mimroth)

VERSUS

VERSUS

1. Union of India through
the Secretary,
Ministry of Water Resources,
New Delhi.
2. The Director,
Central Soil & Material Research Station,
Ministry of Water Resources,
Hauz Khas, New Delhi-110016.
3. Shri K.V. Verghese,
Asst. Driller
C/o Respondent No.2 RESPONDENTS

(None appeared)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant impugns the seniority list
of Asst. Drillers as on 1.1.92 (Annexure
A-1/A) and claim seniority over one
Shri K.V. Verghese (Respondent No.3).

2. We have heard Shri Mimroth for
applicant. None appeared for Respondents
even on the second call.

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3. Respondents in their reply have stated that applicant while working as Drill Operator in the work charged establishment was confirmed w.e.f. 1.2.81 against the then available permanent post of Drill Operator. On the other hand Shri Verghese while holding the post of Asst. Driller in the work charged establishment on promotion as Asst. Foreman was confirmed w.e.f. 25.9.90 against the then available permanent post of Asst. Foreman. Following the principles laid down in MHA's O.M. dated 22.12.59 that seniority follows confirmation, and permanent officers in each grade shall rank senior to those who are officiating in the grade, respondents state that R-3 was shown senior to the applicant in the impugned seniority list of regular Asst. Drillers.

4. It is no doubt true that by DOPT O.M. dated 4.11.92 circulated to the Respondents vide Ministry of Water Resources' Memorandum dated 5.2.93 (Annexure A-5) seniority has been delinked from confirmation, but that O.M. makes it clear that the said O.M. dated 4.11.92 was to take effect from the date of issue, and seniority which had already been determined according to existing principles on the date of issue of those orders would not be reopened.

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5. Under the circumstances we see no reason to interfere in this matter and the O.A. is dismissed. No costs.

A. Veda Valli

(DR. A. VEDAVALLI)
Member (J)

/GK/

S. R. Adige

(S.R. ADIGE)
Vice Chairman (A)