

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 1404/1993

New Delhi, this 26th day of August, 1999

Hon'ble Shri Justice V. Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)

1. Manjit Singh
N-265/Sector 8
R.K.Puram, New Delhi-22
2. Ninan Mathew Vilanilathu
BD-975, Sarojini Nagar
New Delhi

(By Shri Manjit Singh, applicant in person)

versus

Union of India, through

1. Secretary
M/Defence, New Delhi
2. Chief Admin. Officer & JS(A)
M/Defence, New Delhi

(By Trilochan Rout, SAO(Legal)/Min. of Defence)

ORDER(oral)

By Reddy, J. —

The applicants have filed this OA seeking seniority as Lower Division Clerk (LDC, for short) in the Armed Forces Headquarters (AFHQ, for short) to be reckoned from the date of their joining in other formations as LDC. It is the grievance of the applicants that the date of their initial joining the service as LDC in other formations should be taken as length of service for the purpose of seniority.

2. It is the stand of the respondents that the applicants' seniority should be reckoned from the date of their joining the AFHQ and not the date of their joining in the lower formation. They rely upon the OM dated 21.12.63 under which the applicant were inducted into AFHQ.



3. It is submitted by the applicants that they joined service in the AFHQ in October, 1963 and therefore the OM dated 21.12.63 cannot have application in their case, on the ground that the OM cannot have the prospective effect.

4. The procedure for filling up permanent vacancies from 1.1.59 onwards and for fixing seniority for the employees in the grade of LDC are detailed in the OM dated 21.12.63, which is a consolidated order comprising of all orders from 1959 on the subject. It is made clear in para 2(c) of the OM that persons who joined AFHQ as LDC on 22.12.59 or thereafter will reckon their seniority in that grade from the date on which they joined AFHQ. We find that the claim of the applicants is not supported by any other OM, rule or regulation. This question came up for consideration in another OA 2376/92 (J.S. Sandhu & Ors. vs. UOI) which was disposed of by order dated 5.7.99 by a Bench of this Tribunal consisting one of us [VC(J)] as a member. This judgement was based on the OM dated 21.12.63 and also the decision of the Supreme Court in the case of D.P.Sharma & Ors. Vs. UOI & Ors. 1989 Supp (1) SCC 244 wherein it was held that the length of service as LDC can be reckoned only from the date of joining AFHQ. We do not therefore find any merits in the case. The OA fails and is dismissed accordingly. No costs.

Shanta

(Smt. Shanta Shastry)
Member(A)

Rajagopal Reddy
(V.Rajagopala Reddy)
VC(J)

/gtv/