

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO.954/2001

this the 23rd day of May, 2002

HON'BLE MR. S. DAYAL, AM

HON'BLE MRS. MEERA CHHIBBER, JM

Bhawani Shanker Trivedi s/o Late Sri Chandra Kant Trivedi  
posted as Lower Division Clerk, in Jawahar Navodaya Vidyalaya,  
Vasantpur Bansi, Dist. Siddharth Nagar.

...Applicant

By Advocate: Sri Bheem Singh

Versus

1. Union of India through Director Navodaya Vidyalaya Samiti, A-39, Kailash Puri Colony, New Delhi.
2. Dy. Director, Navodaya Vidyalaya Samiti, B-10, Sector-C, Aliganj, Lucknow.
3. Chairman, Vidyalaya Management Committee, Jawahar Navodaya Vidyalaya, Basantpur Bansi, Siddharth Ngr.
4. Principal, Jawahar Navodaya Vidyalaya, Basantpur Bansi, District- Siddharth Nagar.

...Respondent

By Advocate: Sri Vinod Swaroop.

ORDER (ORAL)

MR. S. DAYAL, MEMBER (A)

This application has been filed for setting aside the order dated 25.5.2001 passed by the respondent No.2. A direction is sought to promote the applicant as Upper Division Clerk since the date of which juniours to the applicant have already been promoted.

2. The case of the applicant is that he joined Jawahar Navodaya Vidyalaya, Basantpur Bansi, Dist. Siddharth Nagar on 16.4.1987 on the basis of department order dated 15.4.87. His appointment was extended on 15.7.1987 and 14.10.87. The applicant claims that his appointment was extended thereafter from time to time. He also claims that there was an artificial break in service and some artificial gap was made by the respondents. He claims that services of ~~XXX~~ number of persons who had been appointed as LDC has been regularised by the respondents. He mentioned the name of one Sarviji in this connection. He is also mentioned names of Abhayakumar Srivastava and Anil Kumar Singh in the same connection. He claims that he is entitled to be appointed as UDC on the basis of seniority from the date of initial appointment.



3. The learned counsel for the applicant has been seeking adjournments on the ground of illness on 14.8.2001, 19.11.01, 4.2.2002, 17.4.2002 and he sought adjournment on the ground of sickness again. We do not grant such a prayer for adjournment and reject the same. Sri Vinod Swaroop, counsel for the respondents. He has filed counter reply in this case. We have considered the pleadings on record and pass orders.

4. We find from Annexure 21 which is an order of Tribunal in O.A. 1455/2000 dated 16.3.2001 in which grievance of the applicant mentioned is that he was denied promotion from the date it was due to him while his juniors were promoted. He had made representation to the respondents without any response. A direction in this OA was that the pending representation may be decided by a detailed and reasoned and speaking order.

5. We find from Annexure I that the order on deputation of the applicant has been passed. It has been stated in order dated 25.5.2001 (Annexure I) that the applicant had been appointed on adhoc basis on 16.4.1987 for 89 days. His services were extended twice and the period of extension expired on 12.1.88 when the Services of Mr. Trivedi is terminated. Mr. Trivedi again applied for engagement on daily wages and he was engaged on daily wages still 31.12.88. He was again given appointment as part time staff from 1.1.89 to 22.2.90. Mr. Trivedi was regularly appointed after his selection by selection committee on the basis of



submission of his name by the Employment office in 1990 and he was regularly appointed on 16.3.1990 and took charge on 17.3.90.

6. It is clear from the narration made in order dated 25.5.2001 that regular appointment of the applicant was made only with effect from 17.3.1990. The person claims to be junior ~~from~~ to the applicant in the OA had been given regular appointment from an earlier date, therefore, the applicant can make no claim for promotion to UDC on the basis of his service rendered on ~~behalf~~ adhoc, daily wages and part time basis. The OA is disposed of as ~~per~~ <sup>lacking in</sup> merits. There shall be no order as to costs.



Member (J)



Member (A)

vtc.