

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 19th day of July, 2000.

CORAM: Hon'ble Mr. Rafiq Uddin, Member (J)

Hon'ble Mr. M.P. Singh, Member (A)

ORIGINAL APPLICATION NO. 703 of 1995

Mohd. Aslam, A/a 38 yrs.,
S/o Sri Jamal Hussain,
R/o Village Ganjeheri,
P.O. Shogoli, District Sultanpur,
working as Jeep Driver,
office of the Superintendent of
Post Offices, Jaunpur.

....Applicant

C/A Shri N.K. Srivastava, Adv.

Shri R.B. Srivastava, Adv.

Versus

1. Union of India, through the Secretary,
Department of Posts, Government of India,
New Delhi.
2. The Director General, Post Offices,
New Delhi.
3. The Superintendent of Post Offices,
Jaunpur.
4. The Chief Post Master General,
U.P. Circle, Lucknow.

...Respondents

C/R Shri Amit Sthalekar, Adv.

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O R D E R

(Hon'ble Mr. Rafiq Uddin, Member (J))

The applicant has sought the direction of this Tribunal to quash the orders contained in Annexure A-1, A-6, A-7 and A-8 and direction to respondent to grant benefits of increments and other benefits w.e.f. 05.11.1983 and regularise the service of the applicant w.e.f. 25.01.1984.

2. Applicant was appointed as Jeep Driver on daily wages w.e.f. 09.11.1983 by the Superintendent of Post Offices, Jaunpur Division (respondent No. 3) in pay scale of Rs. 260-400/-. The post of Jeep Driver was created for Jaunpur Division vide order dated 21.01.1984. By another order dated 25.01.1984 issued by the respondent No. 3 the applicant was appointed provisionally Jeep Driver in continuation to earlier appointment order w.e.f. 05.11.1983 pending regular recruitment to the post. The appointment of the applicant was duly approved by D.P.C. on 06.06.1989 and a formal order of appointment was issued on 07.06.1989 in the pay scale of Rs. 950-1500/-. The applicant claims that he is entitled to the increments and other benefits including efficiency Bar in terms of the condition of appointment letter issued on 07.06.1989.

3. The applicant filed representation for grant of benefits of increment etc. but respondents denied the same hence he filed O.A. No. 195/90 before this Tribunal which was disposed of vide order dated 01.02.1991 directed the respondents to pass appropriate order of regularisation of services. In pursuance of that order the respondent No. 3 passèd order dated 27.02.1991 whereby the service of the applicant have been regularised.

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w.e.f. 07.06.1989 without making any reference about his past service rendered by him prior to 07.06.1989. Hence he has filed the present O.A..

4. The respondents in their counter reply have contested the claim of the applicant by stating that the applicant joined as Jeep Driver on 07.06.1989 after his direct recruitment as Jeep Driver through selection held on 06.06.1989 and he was appointed Jeep Driver vide order dated 07.08.1989. On re-examination of the matter it was found that the appointment of the applicant was irregular, hence the same was cancelled and service of the applicant was terminated vide order dated 01.03.1990. The matter was, however, again re-examined in pursuance of the order of this Tribunal passed in O.A. 195/90 dated 01.02.1991 and the appointment of the applicant was made regular w.e.f. 07.06.1989. Since the applicant was only engaged as temporary outsider Jeep Driver on daily wages and not appointed on the post of Jeep Driver as regular appointee in terms of Recruitment Rules 1983 hence he is not entitled to any increment of pay etc.

5. We have heard parties counsel and perused the record.

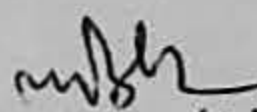
6. It is an admitted position in the present case that the appointment of the applicant as Jeep Driver in terms of recruitment rules was made on 07.06.1989 and the applicant had been working as Jeep Driver only on ad-hoc basis prior to the aforesaid date. It is also clear from the perusal of earlier appointment order dated 01.12.1983 (Annexure-1) in which it is clearly mentioned that applicant was engaged as temporary outsider Jeep Driver on daily wages

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minimum pay and allowance admissible for the post of Jeep Driver. It is no doubt correct that the post of driver was created w.e.f. 25.01.1984 but the applicant was appointed on regular basis as per recruitment rules only w.e.f. 07.06.1989. We, therefore, agree with the contention of the learned counsel for the respondents that since the appointment of the applicant prior to 07.06.1989 was purely on ad-hoc basis he is not entitled for any regularisation of the service from the date of his first appointment or the service rendered by him as ad-hoc Jeep Driver. In support of our contention we place reliance on direct recruit Class II ~~Engineering~~ Engineering Officers Association Vs. State of Maharashtra, (1990) II, SCC 715 in which inter alia it was laid down that where the initial appointment is only ad-hoc and not according to rules and made as a stop gap arrangement, the officiation in such post cannot be taken into account for considering the seniority.

7. The learned counsel for the applicant has urged before us that the applicant is entitled for grant of increment in terms of conditions of his appointment letter. However, we find from the appointment letter that he was appointed on minimum pay scale of Rs. 260-400/- and there is no mention that he would be entitled for any increment. Therefore, we do not find any force in this contention and the same is rejected.

8. For the reasons stated above the O.A. is devoid of merit and dismissed without order any cost.


Member (A)


Member (J)

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