

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Allahabad : Dated this 10th day of August, 2000
Original Application No. 797 of 1999

District : Kanpur

CURIA

Hon'ble Mr. SKI Naqvi, J.M.

Hon'ble Mr. MP Singh, A.M.

1. Dr. S.K. Srivastava
S/o Sri K.D.I. Srivastava,
R/o 111/104, Ashoknagar, Kanpur,
Presently posted as Asst. Medical Officer,
Ordnance Hospital, Ordnance Factory, Kanpur.
2. Dr. Santosh Kumar
S/o Late Sidhnath Awasthi
R/o 117/M/182, Kakadeo Kanpur,
Presently working as Asst. Medical Officer,
Ordnance Hospital, Ordnance Factory, Kanpur.
3. Dr. Surendra Kumar
S/o Late Raghbir Singh
R/o 117/N/35, A One Market, Kakadeo,
Kanpur, Presently working as Assistant Medical
Officer, Ordnance Hospital, Ordnance Factory,
Kanpur.
4. Dr. Virendra Srivastava,
Son of Sri Badri Narain Srivastava,
R/o 8/113, Arya Nagar, Kanpur,
Presently posted as Assistant Medical Officer,
Ordnance Hospital, Ordnance Factory,
Kanpur.
5. Dr. Lakshmi Shanker Tripathi
S/o Late R.D. Tripathi,
R/o 486, Jawhar Nagar, Sati Talab, Unnao,
Posted as Asst. Medical Officer,
Small Arms Factory, Kanpur.

(Sri Sudhir Agrawal/Sri SK Mishra, Advocates)

.... Applicants

versus

1. Union of India through the Secretary
Ministry of Defence (Production), New Delhi.
2. The Ordnance Factories Board,
10-A, Shaheed Khudiram Bose Marg,
Calcutta through its Chairman.
3. The General Manager, Ordnance Factory,
Kanpur.
4. The General Manager, Small Arms Factory,
Kanpur.

(Sri Amit Sthalekar, Advocate) Respondents

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O R D E R (Oral)

By Hon'ble Mr. S.K.I. Naqvi, Jud. Member

Initially the applicants were appointed as Short Term Medical Officer in the respondents establishment and under orders of the Court, their services were to be regularised from the date of their initial appointment. In compliance of Court order, the respondents have regularised the services of the applicant from initial date of appointment till 25.4.1993 as Short Term Medical Officer and thereafter as Assistant Medical Officer w.e.f. 26.4.1993. The applicants are not satisfied with this mention in their service record on the ground that since there is no sanctioned post of Short Term Medical Officer, therefore, their regularisation to this post may cause ~~prob~~ problem to them when length of their service is taken into consideration. Now they have come up before the Tribunal for direction to the respondents to regularise their services as ^{Assistant} ~~Short Term~~ Medical Officer right from the date of their initial appointment as well as to prepare their seniority list placing them therein in accordance with their length of service.

2. The respondents have contested the case and filed counter-reply with the mention that the services of the applicant have been regularised to the post they held during the relevant period. It has also been pleaded that simple mention in the service record will not affect their service conditions.

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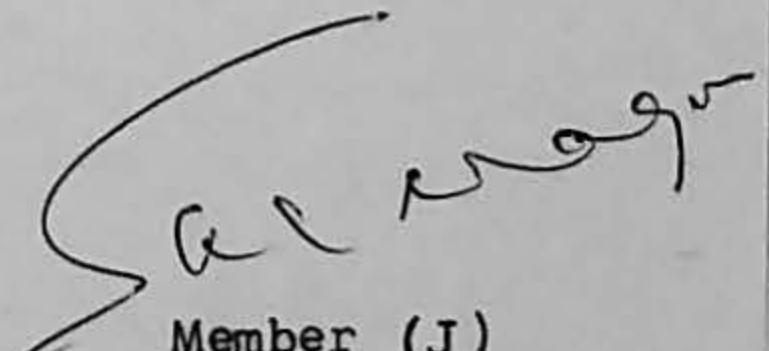
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3. Heard, the learned counsel for the parties and perused the record.

4. We find force in the contention of the applicant that they cannot be regularised to a post which is not a sanctioned post and, therefore, the entry in their service record regarding their regularisation to the post of Short Term Medical Officer, may cause problem in future and it may be deemed as regularisation on two different cadres, first as Short Term Medical Officer and thereafter as Assistant Medical Officer.

5. For the above, we direct the respondents to make necessary correction in the service record of the applicant and mention their regularisation as Assistant Medical Officer right from the date of their respective initial appointment. The respondents are further directed to initiate process for preparing the seniority list of the applicant within 3 months from the date of communication of this order and allow consequential benefits as per their position in the seniority list. The O.A. is decided accordingly. No order as to costs.


Member (A)


Member (J)

/M.M./