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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD

ORIGINAL APPLICATION NO.1365 OF 2006

                                    ~March~
ALLAHABAD THIS THE 20th DAY OF ~JANUARY~, 2008

HON'BLE MR. A.K. GAUR, MEMBER-J
HON'BLE MR. K.S. MENON, MEMBER-A

                                    ~Goods Driver~
Rajendra Kumar Dube, S/o Rat Narayan, ~Girrads Doiner~, NCR, Jhansi, R/o RB II 830 B Rani Laxmi Nagar, Railway Colony, Jhansi, District Jhansi.

...................Applicant

(By Advocate Shri A. Srivastava)

VERSUS

1.   D.R.M. (P), NC.R., Jhansi.
2.   Union of India through G.M., N.C.R., Allahabad.

................Respondents

(By Advocate: Sri K.N. Singh.)

ORDER

BY A.K. GAUR, MEMBER-J

The grievance of the applicant is that services of the applicant on adhoc basis was not considered for the purpose of seniority. The applicant has represented before the Sr. Divisional Manager relying upon the decision of the Apex Court in the case of T. Vijayan and Others wherein the Apex Court has held that on regular promotion period of adhoc service would be counted for the purpose of seniority. The learned counsel for the respondent has, on the other hand, has stated that the aforesaid judgment is personnem and not in rem.
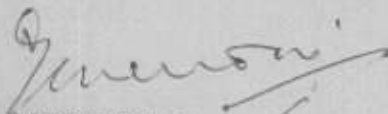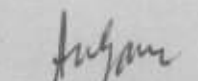
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2.   Having heard the parties' counsel at length, we are firmly of the view that the grievance of the applicant might be redressed in case direction is direction to the competent authority to consider and decide the pending representation of the applicant in the light of the decision of Hon'ble Supreme Court in the case of T. Vijayan.

3.   In view of the above, we direct the respondents to consider and decide the pending representation of the applicant in the light of decision of Hon'ble Supreme Court given in the case of T. Vijayan and grant him same benefit if the judgment is squarely applicable on the facts and circumstances of the case within a period of three months from the date of receipt of a certified copy of this order.

4.   The O.A. stands disposed of in the above terms without any order as to costs.

MEMBER-A   MEMBER-J

GIRISH/-