

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Or. No - 10 May before1. Received Not Not

2. Adm to 2.5.02

L
1.5.02

Rd

Or. No - 11 May beforeFor hearing ~~on admission~~

Adm to 21.6.02

Received Not NotL
20.6.02

Rd

Or. No - 12 May beforeFor hearing ~~on admission~~

Adm to 28.6.02

Received Not NotMA 5349/02 ~~for consideration~~Clerk ~~notified~~L
27.6.02

Rd

For hearing ~~on admission~~L
3.7.02Order dated 1.3.2004

Heard Shri K.Ray, learned counsel for the applicant and Shri R.C.Rath, learned Standing Counsel appearing on behalf of the Respondents.

The applicant by filing this O.A. has prayed for direction to be issued to Respondents to regularise his service from the date of his adhoc promotion to the post of Crane Driver, Gr.III and to compute the said period for the purpose of seniority. Shri Ray during hearing drew our attention to the decision of this Bench in O.A.657 to 665 of 1993 by stating that similarly placed officials under the same Respondents were granted those benefits whereas the applicant has been denied the same inspite of the decision of this Tribunal.

The case of the applicant is that he was promoted on adhoc basis on 13.4.1993 to the post of Crane Driver after he had submitted his option for being considered against that posting. However, it was on 15.1.1997 that the Respondent promoted him on regular basis as Crane Driver Gr.III. It is his case that he approached the authorities through several representations from February, 1998 to April, 2000 to reckon the earlier period of his officiation in the post of Crane Driver from 13.4.1993 to 14.1.1997, but to no effect and that is why he has approached the Tribunal with the prayers referred to earlier.

The Respondents by filing a detailed

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For further hearing
in accordance with
M.A. 534/02
and 74 22 May,

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26.2.94

counter have opposed the prayer of the applicant. preliminary The ground urged by them is that the O.A. is grossly barred by limitation. Besides, on the merits of the case they have stated that the prayer of the applicant does not hold any water as the adhoc appointment was given to him against a ^{post} cadre which was borne in the ex cadre/ ancillary post. As the post was outside the normal cadre, options were called for from the intending candidates and only on the basis of options and in accordance with ^{skill} seniority some officials were granted promotion to fill up the post of Drivers on stop-gap-arrangement. However when the applicant's turn came his case was considered and he having qualified in the trade test was given regular post of Crane Driver, Gr.III. In the circumstances, the applicant, the Respondents have submitted, is not entitled to any relief asked for.

We have considered the rival submissions carefully and have examined the matter in detail. We are at one with the learned Standing Counsel that appointment and/or promotion of the applicant to the post of 13.4.1993 having been made on adhoc basis and the post in question being an ex cadre post, the question of reckoning his seniority etc. in the regular cadre does not arise. So far as the decision cited by the applicant (rendered by this Tribunal in O.A. 657 to 665 of 1993) in support of his contention is concerned, the facts and circumstances of that decision, in our considered view, are not

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germane to the issue involved in the instant O.A. and therefore, we are not persuaded ourselves to refer ^{to} that decision.

In the result, the O.A. fails. No costs.


John
VICE-CHAIRMAN


T. O.
MEMBER (JUDICIAL)

Copies of order dt 11 May
issued.


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