

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 1469 of 97

Present : Hon'ble Mr.Justice S.N.Mallick, Vice-Chairman
Hon'ble Mr.S.Dasgupta, Administrative Member

DR. MRS. CHHABI ROY

VS

UNION OF INDIA & ORS.

For the applicant : Mr.P.Chatterjee, counsel
Mr.K.C.Saha, counsel

For the respondents: Mr.M.S.Banerjee, counsel

Heard on : 11.2.98

Order on : 11.2.98

O R D E R

S.Dasgupta, A.M.

Heard the 1d. counsel for both the parties at the stage of admission and also perused the pleadings in the OA.

2. The applicant in this case was initially appointed on ad-hoc basis as Assistant Surgeon Grade I on 1.8.73. She continued to work as such until she was regularised after selection by the UPSC in 1979. A seniority list was earlier issued in which she was given seniority from the initial date of appointment but subsequently this was corrected and she was given seniority from the date of regularisation after UPSC selection. This is being challenged through this OA and the applicant is seeking a direction to the respondents to grant her seniority from the date of initial appointment on ad-hoc basis.

3. In reply to the question put to the 1d. counsel for the applicant he admitted that the Recruitment Rules in the cadre of Doctors provide appointment through UPSC only. That is, it is clear that her initial appointment was not in accordance with the Recruitment

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Rules. Had the initial appointment been in accordance with the Recruitment Rules but the appointment had been made on ad-hoc basis due to administrative reasons, the period of ad-hoc appointment could have been counted for the seniority. However, in this case, as the appointment of the applicant was dehors the rules, fax the seniority which is claimed cannot be granted. The ld. counsel for the respondents submits that a correction in the seniority list was made as early as in 1989 and the applicant's representation was rejected in 1992, and that the applicant had accepted subsequent promotion on the basis of the revised seniority. He also submits that the application is ^{thus} ~~also~~ barred by limitation. We accordingly dismiss the application on the merit and on the ground of limitation. No order as to costs.



MEMBER (A)



VICE-CHAIRMAN