

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 446 of 1994

Wednesday this the 13th day of July, 1994

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

M.K.Girija,
Lower Division Clerk,
Naval Store Depot,
Naval Base PO, Cochin-4, ... Applicant

(By Advocate Mr. Raju Joseph)

Vs.

1. Union of India, represented by the Secretary to Government, Ministry of Defence, Govt. of India, New Delhi.
2. Chief of Naval Staff, Naval Headquarters, RK Puram, New Delhi.
3. Flag Officer Commanding, Southern Naval Command, Naval Base, Cochin.4.
4. The Administrative Officer (Civilians) Southern Naval Command, Naval Base Cochin-4.
5. Commodore Chief Staff Officer (P&A) Headquarters, Southern Naval Command. ... Respondents

(By Advocate Mr. K.Lakshmi Narayanan, ACGSC)

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks a declaration that casual service rendered by her as Progress Recorder between 6.6.85 and 18.9.86 is liable to be counted for fixing seniority. She had been appointed as a Progress Recorder, in a casual capacity. Later she was appointed as a Lower Division Clerk and still later her services were regularised on 7.8.91. Thereafter, applicant made a claim for counting the aforesaid spell of service for seniority.

2. Respondents would submit that casual service, that too, rendered in another capacity cannot count for determining seniority as a clerk. This is the position adopted in an Government order issued on 27.5.80 as corrigendum to an earlier order. This order has been upheld by a Full Bench of this Tribunal in O.A.967/90 and connected cases.

3. Respondents would also submit that applicant had given an undertaking Ext.R.1(a) and that by reason of this undertaking also, she cannot get the benefit of that service, assuming it is otherwise admissible.

The declaration states:

"I declare that in the event of I am being considered for regular appointment as L.D.Clerk taking into account my service as Progress Recorder, I will not claim for the post of Progress Recorder against a future vacancy in that cadre." (emphasis supplied)

Counsel for applicant would submit that the undertaking was only against making a claim for the post. We cannot agree. After getting regular appointment as L.D.Clerk, there can be no question of applicant claiming another post, which is certainly not a higher post. That apart the expression used in the undertaking is:

"taking into account my service as Progress Recorder."...

(emphasis supplied)

Service can mean only regular service and not casual service. As casual service is not service consequent on an appointment in accordance with rules, it will not

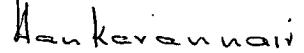
count for seniority. Besides, the claim made now is more in the nature of an adventure, and it cannot be upheld at this distance of time and in these circumstances.

4. We dismiss the application. No costs.

Dated 13th July, 1994.


P.V. VENKATAKRISHNAN

ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

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