

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 201/99

FRIDAY, THIS THE 26TH DAY OF FEBRUARY, 1999.

C O R A M:

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. R. K. AHOOJA, ADMINISTRATIVE MEMBER

A. Abdul Jabbar S/o S.O. Kidavu Koya
Arabiyoda House, Agathi
Working as Revenue Inspector
Collectorate, Kavaratti.

..Applicant

By Advocate Mr.D. Sreekumar

Vs.

1. The Administrator,
Union Territory of Lakshadweep
Kavaratti.
2. The Collector-cum-Development Commissioner,
Union Territory of Lakshadweep,
Kavaratti.
3. E. Alikoya,
Revenue Inspector,
Agathi.
4. C.N. Koya,
Revenue Inspector,
Kavaratti.

..Respondents

By Advocate Mr.P.R. Ramachandra Menon, ACGSC for R1 & 2

The application having been heard on 26.2.99, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant was appointed as a Draftsman Grade-II by the order dated 10.5.74 on adhoc basis in the Survey section in the Collectorate, Kavaratti in the existing vacancy. He continued on adhoc basis and was regularised only w.e.f. 11.7.80. In the result, his services from 10.5.74 till the date of regularisation is not being counted for regularisation and seniority. When the provisional seniority list of Draftsman Grade-II was

circulated by order dated 22.8.97 (Annexure A5), the applicant made a representation claiming regular service and seniority from the date of his initial entry on the post. This claim has been rejected by Annexure A7 order dated 17.3.98 on the ground that he was not qualified for appointment to the post under the then existing Recruitment Rules and he became qualified for regular appointment to post only when the Recruitment Rules were amended on 11.7.1980 and therefore his services from that date only were regularised. After rejecting the applicant's claim for regularisation of his service from 10.5.74 and consequential seniority, the seniority list was finalised and circulated on 11.11.97. The applicant is impugning Annexure A7 order as also the seniority list A8 wherein though he is shown as Serial No.1, the date of regular appointment in the grade was shown as 1.7.80.

2. We have perused the application and the materials placed on record and have heard Shri D. Sreekumar, the learned counsel of the applicant and the ACGSC appearing for the respondents.

3. It is not in dispute that the applicant did not possess the requisite qualification for regular appointment to the post when he was appointed by Annexure A1 order dated 10.5.74. It appears that that was the reason for the appointment of the applicant on adhoc basis. When the Recruitment Rules were amended on 17.7.80, the qualification possessed by the applicant was found sufficient to meet the requirement of the Rules and therefore, the applicant's service was treated as regular.

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4. In this view of the matter, we do not find any injustice caused to the applicant and therefore, we do not find any legal cause of action to the applicant to move this application. Therefore, the application is dismissed. No costs.

Dated the 26th February, 1999.



R.K. AHOOJA
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A1: True copy of the order No.F.No.10/4/74-Services (4) dated 10.5.1974 issued to the 3rd respondent.
2. Annexure A5: True copy of the provisional seniority list of Draftsman dated 22.8.1997.
3. Annexure A7: True copy of Office Memorandum dated 17.3.98 passed by the 2nd respondent.
4. Annexure A8: True copy of Seniority list of Draftsman appointed after 13.4.1964 to 22.11.1988 dated 11.11.1979 by Lakshadweep Administration.

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