

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Lucknow this the 17th day of Nov., 99.

O.A. No. 30/91

HON. MR. D.C. VERMA, MEMBER(J)

HON. MR. A.K. MISRA, MEMBER(A)

1. Jaikaran Nath son of Sri Audh Behari Lal, resident of Mohalla Srinagar, Near Kallu Ka Purwa Raihareli.
2. Sarvesh Kumar, son of Sri K.C. Saxena, resident of 37/3, Malviya Nagar, Aishbagh, Lucknow.

Applicants.

None for applicants.

versus

1. Union of India through the Director, Ministry of Planning, Department of Statistics, National Sample Survey Organisation (Field Operations Division) West Block No. 8, Wing No. 6, R.K. Puram, New Delhi.
2. Director National Sample Survey Organisation (Field Operations Division) West Block No. 8, Wing No. 6, 1st Floor, R.K. Puram, New Delhi.
3. Chief Administrative Officer, National Sample Survey Organisation (Field Operations Division), West Block No. 8, Wing No. 6, 1st Floor, R.K. Puram, New Delhi.
4. Regional Assistant Director, U.P. (C) Region, National Sample Survey Organisation (Field Operations Division), B-991, Sector 'A', Mahanagar, Lucknow.

Applicants.

None for respondents.

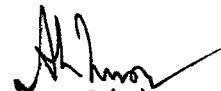
O R D E R (ORAL)

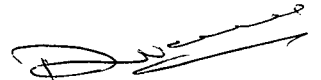
By D.C. Verma, Member(J)

By this O.A. the applicants have claimed that the adhoc period during which the applicants worked as U.D.C. be counted towards their seniority.

2. As per the facts contained in the pleadings, two Graduate Upper Division Clerks were promoted on adhoc basis, to the post of Investigator against the 10% Departmental quota prescribed in the Recruitment Rules. In the vacancy so caused, the applicants were promoted, on adhoc basis, to work as U.D.C. The applicants were subsequently regularised as U.D.C. w.e.f. 1.3.1988. The applicant made a representation

that the period /during which he worked, on adhoc basis, as U.D.C. he counted towards his seniority but the same was rejected by the respondents vide impugned order Annexure A-7 dated 17.11.88. As per the facts, the applicant was promoted to the post of U.D.C. only in an adhoc vacancy which was caused due to adhoc promotion of regular U.D.C. to the post of Investigator. The Graduate U.D.Cs who had been promoted as Investigator, were regularised on the said post of Investigator on 1.3.1988. Consequently, w.e.f. 1.3.1988, the lien of the Graduate U.D.Cs who have been promoted earlier, as Investigator, came to an end on the post of U.D.C. Two regular vacancies of U.D.Cs were consequently created. Both the applicants were working as U.D.C. on adhoc basis from before. Consequently, both of them were made regular U.D.Cs against such regular vacancies w.e.f. 1.3.1988 i.e. the date on which the earlier incumbents had been made regular on the post of Investigators. The applicants cannot claim regularisation on the post of U.D.C. unless there is a regular vacancy of U.D.C. As the regular vacancy arose only on 1.3.88, the applicants were rightly regularised w.e.f. the said date. The period during which the applicants worked, as adhoc U.D.C. against adhoc vacancy of U.D.C., cannot be counted towards seniority. The O.A. has therefore, no merit. The same is dismissed. Costs easy.


MEMBER (A)


MEMBER (J)

Lucknow; Dated: 17.11.99

Shakeel/