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CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI
NEW BOMBAY BENCH

~~XXXXXX.~~

198

T.A. No. 173 of 1987

DATE OF DECISION 20.6.1988

Shri Rekapally L. Naidu Petitioner

Shri R.R.Pillai Advocate for the Petitioner(s)

Versus

Union of India & Others Respondent

None appears for the respondents. Advocate for the Respondent(s)

ORAM :

The Hon'ble Mr. B.C. Gadgil, Vice-Chairman

The Hon'ble Mr. P. Srinivasan, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

12 June 1988

(12)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT SITTINGS AT NAGPUR

Tr. Application No. 173/1987

Shri Rekapally L. Naidu,
Time Scale Clerk,
Engineering Division,
Telephone Office,
Nagpur.

.. Applicant

V/s.

1. Union of India
through the Secretary
Posts and Telegraphs Dept.,
New Delhi.
2. The Director General,
Posts and Telegraphs,
New Delhi.
3. The Post Master General,
Maharashtra Circle,
Bombay.
4. The Divisional Engineer,
Telegraphs,
Saraf Chambers,
Sadar,
Nagpur.

.. Respondents.

Coram: Hon'ble Vice-Chairman, Shri B.C. Gadgil
Hon'ble Member(A), Shri P. Srinivasan

Appearance:

1. Shri R.R. Pillai
Advocate
for the applicant
2. None appears
for the respondents.

ORAL JUDGMENT:

Date: 20.6.1988

PER: Shri P. Srinivasan, Member(A)

This application has been list for final hearing before us today. When it was called up, Shri R.R. Pillai, Advocate appears for the applicant. None appears for the respondents though they have been duly served. In view of

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this and particularly because this is a very old matter, we have proceeded to dispose of the application with the assistance of Shri Pillai.

2. Shri Pillai explained to us that the only contention of the applicant was that since he joined service in the Post and Telegraph Department prior to 22.11.1959, his seniority in the cadre in which he was working on that date should have been fixed with reference to the length of service put in by him in that grade and not on the basis of the date of his confirmation in that grade. Shri Pillai relied on the decision of the Supreme Court in Union of India V/s. Ravi Varma, reported at A.I.R. 1972 SC 670.

3. We are of the opinion that this application should succeed. The Supreme Court in ~~the~~ Ravi Varma's case held that the rule of seniority based on confirmation laid down in the Department of Personnel's circular letter dated 22.12.1959 could be applied only to persons appointed to a cadre after that date. So far as persons appointed to a cadre prior to that date were concerned, their seniority in that cadre would be regulated by the length of their continuous officiation in that cadre. Since the applicant entered service prior to 22.11.1959, his seniority in the cadre in which he was working on that date should be fixed with reference to the length of continuous officiation put in by him in that cadre. All consequences flowing from re-fixation of seniority on this basis should be extended to him. If on the basis of his revised seniority, he would be entitled to be considered for promotion to

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higher posts from dates earlier than those on which he was actually promoted in the past he should be so considered and if found fit, promoted to the said higher posts from those dates and ^{given} giving the consequential benefits.

4. In the result, the application is allowed as indicated above. We direct the respondents to implement this order as early as possible, preferably within six months from now.

P. Srinivasan

(P. Srinivasan)
Member (A)

B. C. Gadgil

(B. C. Gadgil)
Vice-Chairman