CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 168/96 & 175/96

DATE OF DECISION:14/7/2000

Shri R.G.Naik & Anr.
Shri K.Venugopalan & Anr. ---------- Applicant.

Ms.K.U.Nagarkatti
---------- Advocate for Applicant.

Versus

Union of India & 3 Urs.
---------- Respondents.

Shri R.K.Shetty
---------- Advocate for Respondents.

CORAM:

Hon'ble Shri A.V.Haridasan, Vice Chairman
Hon'ble Shri Govindan.S.Thampi, Member(A)

1. To be referred to the Reporter or not?

2. Whether it needs to be circulated to other Benches of the Tribunal?

3. Library.

(A.V.HARIDASAN)
VICE CHAIRMAN

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:168/96 & 175/96
DATED THE 14TH DAY OF JULY,2000

CORAM:HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN.
HON'BLE SHRI GOVINDAN.S.TAMPI, MEMBER(A).

Applicants in OA No.168/96.

1. Shri R.G.Naik,
S.S.K.O.D.Talegaon,
residing at B-5/10, L.I.G.,
Sindunagar, Sector No.25,
Nigdi, Pune-44.

2. Shri M.S.Deshmukh,
(S.S.K.D.A.D.)
Dehu Ammunition Depot,
r/at Post Wagholi,
Tal: Haveli. ... Applicants

Applicants in OA-175/96

1. Shri K.Venugopalan,
S.S.K.D.A.D,
Dehu Ammunition Depot,
r/at 623/1, (Type-III)
Sarvatranagar, Dehu Road.

2. Mrs.Bhargavi Amma,
S.S.K.O.1D.Talegaon,
r/at 592/1, (Type-III),
Indrayani Darshan,
Dehu Road - 412 101. ... Applicants

By Advocate Ms.K.U.Nagarkatti

V/s.

1. Union of India,
Thro' Secretary,
Ministry of Defence,
South Block, New Delhi.

2. O.I.C. Records,
Army Ordnance Corps,
Secunderabad.

3. The Commandant,
Ordnance Depot,
Talegaon Dabhade.

4. The Commandant,
Dehu Ammunition Depot,
Dehu Road - 412 101. ... Respondents in both OA-168/96 & 175/96

By Advocate Shri R.K.Shetty

...2.

(COMBINED ORDER) (ORAL)

Per Shri A.V.Haridasan, Vice Chairman.

The short question that calls for an answer in this application filed under Section 19 of the Administrative Tribunals Act 1985 is whether an employee rendered surplus in one department and re-deployed in another is entitled to count his seniority from the date of appointment in the department from which he was rendered surplus and redeployed. The applicants who were initially appointed as a Civilian School Masters in the scale of 130-330 in the Engineer Regiment Aundh, Pune on 21/5/73 were rendered surplus on 16/4/76 and was re-deployed in Ordnance Depot, Talegaon as Assistant Store Keepers in the scale of Rs.110-180. He was promoted as Senior Store Keeper/Upper Division Clerk on 7/4/86 in the scale of Rs. 130-300 which was revised to Rs.330-560. By a letter of Ministry of Defence dated 25/11/92, the sanction of the President for allowing the personnel declared surplus to hold the original pay scale of Civilian School Master (130-300) from the date of being absorbed in the alternative post of L.D.C/S.K. which carried a lower pay scale. Accordingly the applicants were placed in the higher scale and paid the arrears of pay and allowances. The grievance of the applicants is that they have not been given seniority from 21/5/1973 and therefore they pray for a direction to respondents to grant them seniority w.e.f. 21/5/1973 on the basis of the Ruling of Allahabad Bench of the Tribunal in OA-434/86, 919/91, 921/91 and 1232/91, where persons similarly circumstanced like the applicants have been given the seniority. The applicants made representations. In reply to the representations, the applicants were told by order dated 14/2/95, Annexure-1, that as the judgement of the Allahabad

Bench cannot be extended and made universally applicable to all, the applicants who are not parties, would not be entitled to the benefit. Aggrieved by this order, the applicants have filed this application praying for a direction to respondents to refix the seniority of the applicants by granting seniority in the Grade of Upper Division Clerk/Assistant Store Keeper from the date of initial appointment in the post of Civilian School Master in the scale of Rs.130-300 with all consequential benefits, including seniority, subsequent promotion, arrears of pay, etc.

2. The respondents in their reply resist the claim of the Applicant. They contend that in a later ruling, the Calcutta Bench of the Tribunal in OA-1020/94, Prem Sagar V/s. Union of India and Ors decided on 17/7/1995 held that the view taken by the Allahabad Bench is no longer good in view of the decision of the Hon'ble Supreme Court in Balbir Sardana vs. Union of India and other (Civil Appeal No.628 of 1988) delivered on 29/1/1992 and in view of the Full Bench decision of R.D.Gupta v/s. Union of India reported at page 194 of Full Bench 1991-93.

3. We have heard the Learned Counsel on either side. The Apex Court has in Union of India vs. K.Savitri and Ors. reported at 1998 SCC (L&S) 1134 held that an employee rendered surplus and re-deployed will count his seniority only from the date of joining the new department. The question having been settled by the ruling of Apex Court, we do not find any merit in the application.

...4.

4. In the result, the application which is devoid of any merit is dismissed . No orders as to costs.

(GOVINDAN.S.TAMPI)
MEMBER(A)

(A.V.HARIDASAN)
VICE CHAIRMAN

abp